LAWS, RESOLUTIONS AND MEMORIALS

of the

STATE OF MONTANA

Passed at the

TENTH REGULAR SESSION

of the

LEGISLATIVE ASSEMBLY

Held at Helena, the Seat of Government of said State, Commencing January 7th, 1907, and Ending March 7th, 1907.

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STATE OF MONTANA, }
SECRETARY'S OFFICE. } SS.

I, A. N. Yoder, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions and memorials that were passed at the Tenth Regular Session of the Legislative Assembly of said state, commencing January 7th, 1907, and held at Helena, the seat of government of said state, with the exception of words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at the City of Helena, the seat of government of said State of Montana, this 29th day of March, A. D. 1907.

[SEAL]

A. N. YODER,
Secretary of State.

OFFICERS AND MEMBERS

of the

TENTH LEGISLATIVE ASSEMBLY

of the

STATE OF MONTANA.

Governor, JOSEPH K. TOOLE.

Lieutenant Governor and President of the Senate,
EDWIN NORRIS.

Speaker of the House of Representatives,
E. W. KING.

STATE SENATORS.

NAME.	Politics	County	Postoffice Address
*Albright, Jacob	Rep	Madison	Virginia City
*Annin, J. B.	Rep	Yellowstone	Columbus
Bielenberg, J.	Rep	Powell	Deer Lodge
*Cardwell, Edward	Dem	Jefferson	Jefferson Island
*Cowgill, William	Rep	Teton	Choteau
*Donlan, Ed.	Rep	Missoula	Missoula
*Edwards, J. E.	Rep	Rosebud	Forsyth
*Everett, T. M.	Rep	Chouteau	Harlem
*Fairbanks, Charles E.	Rep	Sanders	Plains
Glidden, Samuel	Dem	Carbon	Bridger
Harper, W. W.	Rep	Deer Lodge	Anaconda
*Haviland, W. H.	Dem	Silver Bow	Butte
*Long, T. D.	Dem	Flathead	Kalispell
Martien, Charles	Dem	Lewis and Clark	Helena
*Metcalf, George	Rep	Granite	Philipsburg
Miles, A. W.	Rep	Park	Livingston
*Muffly, C. S.	Dem	Broadwater	Winston
McCarthy, J. C.	Dem	Gallatin	Bozeman
McCone, George	Rep	Dawson	Glendive
McDonnell, Charles	Rep	Sweet Grass	Melville
McLean, Kenneth	Rep	Custer	Miles City
*Rae, H. M.	Rep	Fergus	Gilt Edge
*Romney, Miles	Dem	Ravalli	Hamilton
*Sanders, James	Rep	Cascade	Great Falls
Tooley, Clarence	Rep	Meagher	Two Dot
*Truscott, J. L.	Dem	Valley	Glasgow
White, B. F.	Rep	Beaverhead	Dillon

* Holdovers, Elected 1906.

H. K. HOWRY, Secretary.

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HOUSE OF REPRESENTATIVES.

NAME.	Politics	County	Postoffice Address
Allen, W. R.	Rep	Deer Lodge	Anaconda
Barbour, G. H.	Rep	Lewis and Clark	Helena
Beckwith, A.	Rep	Ravalli	Hamilton
Bennet, A. J.	Rep	Madison	Virginia City
Bennetts, T. J.	Rep	Silver Bow	Centerville
Blake, H. N.	Rep	Deer Lodge	Anaconda
Blewett, John	Dem.	Carbon	Fromberg
Boorman, B. J.	Rep	Flathead	Kalispell
Brewster, G. W.	Rep	Rosebud	Birney
Brownlee, Robert	Rep	Sweet Grass	Melville
Burke, Ed.	Dem.	Deer Lodge	Anaconda
Cambell, Don	Rep	Silver Bow	Butte
Cameron, A. A	Rep	Gallatin	Bozeman
Cato, O. C.	Dem.	Custer	Miles City
Corby, J.	Rep	Silver Bow	Butte
Cluston, William	Dem.	Cascade	Great Falls
Cummings, T. A.	Rep	Chouteau	Fort Benton
Cutler, J.	Rep	Silver Bow	Butte
Decker, Alf.	Rep	Beaverhead	Red Rock
Duncan, M. M.	Rep	Madison	Virginia City
English, G. B.	Rep	Deer Lodge	Anaconda
Farmer, J. H.	Rep	Lewis and Clark	Helena
Fisher, R. F.	Dem.	Deer Lodge	Anaconda
Gerber, P. H.	Rep	Missoula	Missoula
Goff, O. S.	Rep	Chouteau	Havre
Greene, A. C.	Rep	Fergus	Greene
Gray, A. H.	Rep	Cascade	Great Falls
Griffin, P. H.	Rep	Powell	Sunset
Harbordt, Eugene	Rep	Cascade	Great Falls
Hardin, G. W.	Rep	Meagher	White Sulphur Springs
Hess, Gus H.	Rep	Silver Bow	Butte
Hyndman, A.	Rep	Madison	Sheridan
King, E. W.	Rep	Gallatin	Bozeman
Kirwan, E. D.	Dem.	Cascade	Great Falls
Kroger, Walter W.	Rep	Granite	Philipsburg
Leighton, I. A.	Rep	Jefferson	Boulder
Logan, E. A.	Rep	Flathead	Whitefish
Longstaff, F.	Dem.	Deer Lodge	Anaconda
Manchester, P. H.	Rep	Silver Bow	Butte
Marshall, T. C.	Rep	Missoula	Missoula
Maxwell, D. C.	Rep	Dawson	Glendive
Miles, C. A.	Dem.	Ravalli	Hamilton
Miller, C. B.	Rep	Lewis and Clark	Helena
Miller, H. J.	Rep	Park	Livingston
Moore, W. E.	Rep	Granite	Philipsburg
Morgan, F. C.	Rep	Missoula	Missoula
Morris, A. A.	Rep	Yellowstone	Billings
McDonald, G. C.	Rep	Silver Bow	Butte
McManus, J. F.	Rep	Silver Bow	Butte
Macaulay, A.	Rep	Silver Bow	Butte
O'Connor, J. E.	Dem.	Broadwater	Canton
Patten, T. M.	Rep	Valley	Glasgow
Potter, S. L.	Rep	Teton	Shelby
Powers, R. E.	Dem.	Silver Bow	Butte
Root, Moses.	Rep	Lewis and Clark	Canyon Creek
Ross, S.	Rep	Missoula	Missoula
Scallon, William	Rep	Silver Bow	Butte
Seidler, Henry	Rep	Cascade	Great Falls
Selway, E. O.	Rep	Beaverhead	Dillon
Shaw, Leon.	Rep	Lewis and Clark	Helena
Sherman, J. J.	Dem.	Meagher	White Sulphur Springs
Swindlehurst, T. M.	Dem.	Park	Livingston
Thompson, E. J.	Rep	Sanders	Heron
Thompson, Rufus	Rep	Fergus	Lewistown
Towers, C. B.	Rep	Custer	Miles City
Tudor, W. A.	Rep	Gallatin	Bozeman
Walker, L. A.	Rep	Silver Bow	Butte
Warren, F. R.	Dem.	Jefferson	Whitehall
Weed, E. D.	Rep	Lewis and Clark	Helena
Wendel, John	Rep	Lewis and Clark	Helena
Whiteside, Fred	Dem.	Flathead	Kalispell
Wilder, C. A.	Dem.	Broadwater	Townsend
Wilham, V. E.	Dem.	Jefferson	Clancy

NATHAN GODFREY, Chief Clerk.

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GENERAL LAWS

CHAPTER 1.

An Act to Amend Section 1012 of the Political Code of the State of Montana, Relative to the Time Within Which Public Officers Shall file Their Oaths of Office.

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 1012 amended.

Section 1. That Section 1012 of the Political Code of the State of Montana, be and the same is hereby amended to read as follows:

Oath of Office; time of filing.

Section 1012. Whenever a different time is not prescribed by law, the oath of office must be taken, subscribed and filed within thirty days after the officer has notice of his election or appointment, or before the expiration of fifteen days from the commencement of his term of office, when no such notice has been given.

When Act takes effect.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved Jany. 30, 1907.

CHAPTER 2.

"An Act to create the Thirteenth Judicial District of the State of Montana, to be composed of the Counties of Yellowstone, Rosebud and Carbon. To change the boundaries of the Seventh Judicial District of the State of Montana, to change the boundaries of the Sixth Judicial District of the said State of Montana, to conform thereto, and to provide for the appointment, powers, duties and compensation and term of office of said Judge of said Judicial District."

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Be it Enacted by the Legislative Assembly of the State of Montana:

13th Judicial District created.

Section 1. That there is hereby created a new Judicial District of the State of Montana, to be known as the Thirteenth Judicial District, and that the same shall embrace and comprise the territory within the Counties of Yellowstone, Rosebud and Carbon within the State of Montana, which from and after the passage and approval of this Act shall constitute the Thirteenth Judicial District of the State of Montana.

Territory embraced in new District.

Appointment of Judge.

Section 2. That within thirty days after the passage and approval of this Act the Governor of this State shall appoint some fit and qualified person, Judge of the Thirteenth Judicial District, to hold his office until the First Monday in January, 1909, and until his successor is elected and qualified.

Judges, Powers, duties and compensation of

Section 3. The powers, duties and compensation of the Judge of the Thirteenth Judicial District, shall be the same as provided by the laws and constitution of the State of Montana, for District Judges.

7th Judicial District territory.

Section 4. The Seventh Judicial District of the State of Montana, shall hereafter be composed of the territory within the Counties of Custer and Dawson.

6th Judicial District territory.

Section 5. The Sixth Judicial District of the State of Montana, shall hereafter be composed of the territory within the counties of Park and Sweet Grass.

Clerks of District Courts to continue in office.

Section 6. The provisions of this Act shall not work the removal of any clerk of the District Court, of either the County of Yellowstone, the County of Rosebud, or the County of Carbon, but each of said clerks shall continue to hold his office and enjoy the emoluments thereof, the same as if this act had not been passed.

Repealing Clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 8. This Act shall be in effect from and after its passage and approval.

Approved Feb'y 1, 1907.

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CHAPTER 3.

"An Act to Provide for the Reimbursement of Judges Sitting in the Place of other Judges."

Be it Enacted by the Legislative Assembly of the State of Montana:

District Judge, expenses when sitting out of District.

Section 1. Every Judge who shall sit in the place of another Judge in the trial or hearing of an action or proceeding in a District other than his own, or, in the Supreme Court, shall be paid his actual expenses while engaged in that service as follows: His actual traveling expenses in going from the County Seat which he makes his place of residence to the place of trial, and return, and his board and lodging while engaged in the trial or hearing.

Mode of Payment.

Section 2. As soon as his services in connection with the trial or hearing are concluded the Judge shall certify in detail the amount of money necessarily and actually expended by him for his traveling expenses and board and lodging as above specified and shall file the claim for such services with the State Board of Examiners who shall audit it, and if found correct by them, they shall transmit the claim to the State Auditor with their approval endorsed thereon, and the State Auditor must draw his warrant for the amount so approved, in favor of the claimant, or his assigns, in the order in which the same was approved.

Appropriation.

Section 3. That such sum of money as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to defray the expenses provided for in this Act.

When Act takes effect.

Section 4. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby. 1, 1907.

CHAPTER 4.

An Act to Amend Section 2211, of Title VII, of Chapter 1, of Part III, of the Code of Civil Procedure of the State of Montana, as Amended by Senate Bill No. 104 of the Sixth Legislative Assembly, approved March 7th, 1899, relating to the right of eminent domain.

Be it Enacted by the Legislative Assembly of the State of Montana:

Civil Code, Section 2211 amended.

Section 1. That Section 2211 of Title VII, of Chapter 1, of Part III, of the Code of Civil Procedure of the State of Montana as amended by Senate Bill No. 104 of the Sixth Legislative Assembly, be amended so as to read as follows:

Eminent domain. Public uses.

Section 2211. Subject to the provisions of this Title, the right of eminent domain may be exercised in behalf of the following public uses:

United States.

1. All public uses authorized by the Government of the United States.

State.

2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislative Assembly of the State.

Counties, cities or towns.

3. Public buildings and grounds for the use of any county, city or town, or school district; canals, aqueducts, flumes, ditches, or pipes conducting water, heat or gas for the use of the inhabitants of any county, city, or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets and alleys, and all other public uses for the benefit of any county, city or town, or the inhabitants thereof, which may be authorized by the Legislative Assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes or ordinances by which the same may be authorized.

Public transportation.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, of all kinds, private roads, plank and turn-

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pike roads, railroads, canals, ditches, flumes, aqueducts and pipes for public transportation, supplying mines, mills and smelters for the reduction of ores and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs, necessary for collecting and storing water.

Mines, mills and smelters.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines, mills or smelters for the reduction of ores; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines, mills and smelters for the reduction of ores; also an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposits or conduct of tailings or refuse matter from their several mines, mills or smelters for reduction of ores, and sites for reservoirs necessary for collecting and storing water.

Private roads.

6. Private roads leading from highways to residences or farms.

Telephone or electric lines.

7. Telephone or electric light lines.

Telegraph lines.

8. Telegraph lines.

Sewerage.

9. Sewerage of any city, county or town, or any subdivision thereof, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state or to any college or university.

10. Tramway lines.

Tramway lines. Electric lines. Logging railways.

11. Electric power lines.

12. Logging railways.

Temporary uses.

13. Temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads or highways; for such time as the court or judge may determine. Provided the grounds of State Institutions be excepted.

Proviso.

When Act takes effect.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 5th, 1907.

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CHAPTER 5.

"An Act to regulate the hours of labor of locomotive engineers, locomotive fireman, conductors, trainmen, operators and agents acting as operators, and to provide penalties and civil liabilities for the violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Railroad employees, limit of time on duty.

Section 1. On all lines of steam railroads or railways operated in whole or in part, within this State the time of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators and agents acting as operators, employed in running or operating the locomotive engines or trains on or over such railroads or railways in this State, shall not at any time exceed sixteen (16) consecutive hours or to be on duty for more than sixteen (16) hours in the aggregate in any twenty-four (24) hour period. At least eight (8) hours shall be allowed them off duty before said engineers, firemen, conductors, trainmen, operators and agents acting as operators, are again ordered or required to go on duty; provided, however, that nothing in this Section shall be construed to allow any engineer, fireman, conductor or trainman to desert his locomotive or train in case of accident, storms, wrecks, washouts, snow blockade or any unavoidable delay arising from like causes, or to allow said engineer, fireman, conductor or trainman to tie up any passenger or mail train between terminals.

Proviso.

Section 2. Any railroad company or superintendent, train dispatcher, trainmaster, master mechanic or other railroad or railway official who shall order or require any locomotive engineer, locomotive fireman, conductor, trainman, operator or agent acting as operator, to labor contrary to the provisions of Section one of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred ($100.00) dol-

Misdemeanor.

Penalty.

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lars or more than Five Hundred ($500.00) dollars, or by imprisonment of not less than thirty days or more than sixty days in the county jail; and all railroad or railway corporations operating lines of railroads or railways in whole or in part in this State, shall be liable in damages for all injuries to any person or persons resulting from violations of the provisions of Section one of this Act.

Not to apply to relief or wreck trains.

Section 3. The provisions of Section 1 of this Act shall not apply to relief or wreck trains.

Repealing Clause.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 5th, 1907.

CHAPTER 6.

"An Act Authorizing the County Commissioners to vacate Lots, Streets and Alleys, Parks or Boulevards in Village Plats when such Village or Townsite shall be abandoned and such Lots, Streets and Alleys, Parks and Boulevards shall cease to be used for public purposes."

Be it Enacted by the Legislative Assembly of the State of Montana:

Townsites, vacation of abandoned plots.

Section 1. That when there shall have been filed in the office of the County Clerk in any County in this State, a plat of any village or townsite and such village or townsite shall not contain any post-office, store or other business house, and the lands upon which the same is situated shall be owned by one or more persons, the County Commissioners of the County in which such village or townsite is situated, may, upon petition of the persons owning all the real estate occupied by such village, upon such conditions as may be reasonable, vacate the lots, streets and alleys, parks

and boulevards in such village, or townsite and the designation of such property shall be made by metes and bounds and the same shall be assessed accordingly.

Repealing Clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved Feby. 7, 1907.

CHAPTER 7.

"An Act to Amend Section 260 of the Code of Civil Procedure, Relating to the Drawing of Juries, and the Time at which they are required to attend court."

Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure Section 260 amended.

Section 1. That Section 260 of the Code of Civil Procedure be, and the same is, hereby amended so as to read as follows:

Trial jury to be summoned by order of Court.

Section 260. Whenever the business of a district court required the attendance of a trial jury for the trial of civil or criminal cases, and no jury is in attendance, the court may make an order directing a trial jury to be drawn and summoned to attend before said court.

What the order must specify.

Such order must specify the number of jurors to be drawn and the time at which the jurors are required to attend, which time may be at the same term in which the jurors are drawn, or at the next succeeding term, in the discretion of the court. And the court may direct that such causes, either criminal or civil, in which the jury may be required, or in which a jury may have been demanded, be continued and fixed for trial when a jury shall be in attendance.

Court may continue causes until a jury shall be in attendance.

Repealing Clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved Feby. 7, 1907.

CHAPTER 8.

"An Act to provide for the inspection of Cattle to be removed from the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of any and all persons removing or taking from this State in any manner whatsoever, any cow, ox, bull, stag, heifer, steer, or calf, immediately before the shipment of same, or its removal, and at the time and place from which said shipment is to be made, to cause the same to be inspected by a stock inspector of the State as hereinafter provided; Provided, however, that whenever any of the class of stock aforementioned shall be loaded for shipment and consigned to any point where the State Board of Stock Commissioners maintain a stock inspector, then and in such event only, such shipments so consigned, need not be inspected in this State before shipment. Inspection of cattle removed from State. Proviso.

Section 2. On receiving notice from any person that he desires to remove from this state to be sold or used outside of the State, any of the class of animals mentioned in Section 1 of this Act, it shall be the duty of any stock inspector to whom such is given, to inspect said animals, carefully noting all of the brands and marks upon same, and make a report of such inspection to the Secretary of the Board of Stock Commissioners, which said report shall show the date of such inspection, the name and address of the person taking said animals from the State, the destination of the shipment, the marks and brands upon each animal Duties of Stock Inspector. Report of Stock Inspector. What the report must show.

together with the number of animals listed under each brand; and if in the opinion of the stock inspector the person proposing to remove the same, is rightfully in possession of the animals inspected, he shall grant such persons a certificate of inspection, containing the matter herein provided, with the further statement that permission is granted said person to remove such animals from the State. The person receiving said certificate must deposit it with the railroad agent at the point from which said shipment was made, which certificate must be filed by the agent and must be at all times during business hours accessible to the public, and the agent must at the time of filing said certificate endorse upon it the date of its receipt and filing by him. If however, any stock inspector making such inspection shall be in doubt as to whether any of said stock is rightfully in possession of the person proposing to remove same from this State, he shall withhold such inspection certificate until satisfied that the said shipper is in rightful possession of such stock.

Shall issue a certificate to shipper.

Inspector's certificate to be filed by railroad agent at point of shipment.

Inspector to withhold certificate until satisfied that shipper is rightful owner.

Railroad Co. and shipper must obtain certificate of inspection before shipping.

Section 3. Any railroad company or agent, shipping or permitting to be shipped from any station, siding or stock yards within this State, any of the class of animals described in Section 1 of this Act, without first receiving the aforesaid inspection certificate and endorsing upon it, the date of its receipt and filing, and any person removing or attempting to remove from this State any of the said animals without first securing the certificate of inspection herein provided, and any person who shall load any of such stock for shipping and consign same to any point where the State Board of Stock Commissioners maintain a stock inspector, and who shall then reconsign them enroute to any other points, so as to avoid inspection at point of shipment and also the official inspection at the cities heretofore mentioned where such inspection is maintained, shall be deemed guilty of a

Misdemeanor.

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misdemeanor and on conviction in any court of competent jurisdiction, shall be fined in any sum not less than Fifty ($50.00) Dollars nor more than Three Hundred ($300.00) Dollars, or imprisoned in the County Jail not to exceed six (6) months, such fine if collected to be turned into the general fund of the county where such conviction is had.

Penalty.

Disposition of fine.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing Clause.

Section 5. This Act shall be in force and effect after its passage and approval.

When Act takes effect.

Approved Feby. 7, 1907.

CHAPTER 9.

An Act to amend Section 1520 of the Political Code of the State of Montana, relating to the duties of the State Superintendent of Public Instruction, regarding the revocation of State or Life Diplomas and the issuance of Temporary State Certificates.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1520 of the Political Code of the State of Montana be, and the same is hereby amended so as to read, as follows:

Political Code, Section 1520, amended.

Section 1520. Any State or Life Diploma may be revoked by the State Superintendent of Public Instruction for incompetency or immoral conduct on the part of the holder of it, or for any cause that would require the State Board of Education to refuse to grant it if known at the time the Diploma was granted; but, before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense before said State Board of Education. The State Superintendent may grant a temporary State Certificate, at any time, to any teacher whose experi-

Revocation of Diplomas.

Notice to holder of Diploma.

State Superintendent may grant temporary State Certificate.

ence, qualifications and credentials, in his opinion, entitle such a teacher to either a state or Life Diploma in Montana. Such temporary state certificate, however, shall be good and valid in any county in the state only until the next regular meeting of the State Board of Education; provided, however, that the holder of such certificate shall have it duly registered in the office of the County Superintendent of Schools of the county in which he is employed to teach before he begins teaching, and, provided, also, that such teacher shall pay, for such registration, the sum of One ($1.00) Dollar into the Institute Fund of such county.

Proviso.

Proviso.

Repealing Clause.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When Act takes effect.

Section 3. This Act shall be in full force and effect from and after its approval.

Approved Feby. 8, 1907.

CHAPTER 10.

"An Act to legalize outstanding bonds and warrants of counties heretofore issued for the purpose of paying for the construction of highways, bridges and public buildings."

Be it Enacted by the Legislative Assembly of the State of Montana:

Counties, bonds and warrants for highways and bridges legalized.

Section 1. That all warrants which have been heretofore issued by any county in this State, under authority of the Board of County Commissioners of the County, for the purpose of paying for the construction of highways, bridges or public buildings, and not in excess of the constitutional limit of indebtedness, are hereby legalized and declared to be valid and binding obligations of the respective counties issuing the same; and all bonds heretofore issued by the Board of County Commissioners of the County, pursu-

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ant to an election regularly held for the purpose of authorizing an issue of bonds for any of said purposes, or for the purpose of redeeming any of said warrants so issued, and not in excess of the constitutional limit of indebtedness, are hereby legalized and declared to be valid.

Section 2. This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved Feby. 12, 1907.

CHAPTER 11.

"An Act to Amend Sections 1990 and 3280 of the Political Code, Relating to Arbor Day."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1990 of the Political Code be amended so as to read as follows: Political Code, Section 1990 amended.

Section 1990. The third Tuesday of April shall be known throughout the state as Arbor Day. Arbor Day designated.

Section 2. That Section 3280 of the Political Code be amended so as to read as follows: Political Code, Section 3280 amended.

Section 3280. For the purpose of advancing the interests of tree planting and arboriculture in this state, the third Tuesday in April is hereby designated as Arbor Day, and it is the duty of the Governor to annually make his proclamation setting apart that day for the planting of trees and for beautifying homes, cemeteries, highways, public grounds and landscapes, and the teachers in the public schools must on that day instruct the pupils as to the importance of tree planting and give practical lessons in landscape gardening. Proclamation by Governor. Instruction in Public Schools.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. When Act takes effect.

Approved Feby. 13, 1907.

CHAPTER 12.

"An Act to Amend Section 313 of the Political Code Relating to the Distribution of Public Reports."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 313 amended.

Section 1. That Section 313 of the Political Code be and the same is hereby amended so as to read as follows:

Distribution of Public Reports

Section 313. The reports must be delivered by the secretary of state as follows: To the governor, twenty-five copies of each report; to the librarian of the Historical and Miscellaneous Department of the State Library, at least one hundred and fifty copies of each report; to the secretary of state, twenty-five copies of each report; to the superintendent of public instruction, two hundred and fifty copies of his report for distribution to school trustees and teachers and for exchange with other states; to the state board of land commissioners, two hundred copies of their report for distribution to the county surveyors, assessors, county clerks for several counties, and for exchange with other states; to the state auditor, one hundred and fifty copies of his report; to the secretary of state one hundred copies of his report; to the librarian of the Historical and Miscellaneous Department of the State Library, four hundred copies of his report; to the librarian of the Law Department of the State Library, fifty copies of his report; to the officers of the state board of commissioners for the insane, deaf, dumb, and blind asylum, fifty copies of their report; to the state board of education, one hundred copies of their report; and the remaining copies of such reports; one third to order of the sargeant-at-arms of the senate, and two-thirds to the order of the sergeant-at-arms of the house, to be by them distributed pro rata to the members of the senate and house next to convene.

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Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing Clause.

Section 3. This Act shall take effect and be in force from and after its passage. When Act takes effect.

Approved Feby. 13, 1907.

CHAPTER 13.

"An Act to repeal an Act entitled 'An Act to provide for assistants for the office of Attorney General and fix the salaries thereof,' approved March 9, 1901; and to provide for the appointment of two Assistant Attorneys General and a Stenographer for the Attorney General's office, and to fix the salaries thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. The Attorney General of the State of Montana is hereby authorized to appoint two Assistant Attorneys General, who shall each receive as salary the sum of Twenty-Five Hundred (2500) Dollars per annum. Assistant Attorneys General. Compensation.

Section 2. Each of said Assistant Attorneys General must be duly licensed to practice law in the State of Montana, at the time of his appointment, and shall hold office during the pleasure of the Attorney General making the appointment. Qualifications.

Section 3. The Attorney General is hereby authorized to appoint a Stenographer who shall receive as salary the sum of Eighteen Hundred (1800) Dollars per annum, and shall hold such position during the pleasure of the Attorney General making the appointment. Appointment of stenographer.

Section 4. An Act entitled "An Act to provide for assistants for the office of Attorney General and fix the salaries thereof," approved March 9, 1901, and all Repealing Clause.

other Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feby. 15, 1907.

CHAPTER 14.

"An Act to provide for the filing of transcripts of judgments from the Circuit and District Courts of the United States Ninth Circuit, District of Montana, with the District Court Clerk of any county in this State, and when so filed such judgment to become a lien upon all real property of the judgment debtor not exempt from execution in such county."

Be it Enacted by the Legislative Assembly of the State of Montana:

Transcript of judgment of Federal Court, may be filed with Clerk of District Court.

Section 1. That a transcript of the original docket of any judgment rendered in the Circuit or District Court of the United States Ninth Circuit, District of Montana, certified by the Clerk of said Court may be filed with the District Court Clerk of any county, and from the time of the filing the judgment becomes a lien upon all real property of the judgment debtor not exempt from execution, in such county, owned by him at the time, or which he may afterwards, and before the lien expires, acquire. The lien shall continue for six years unless the judgment be previously satisfied.

Repealing Clause.

Section 2. All Acts and parts of Acts in conflict with this Act, are hereby repealed.

When Act takes effect.

Section 3. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved Feby. 15, 1907.

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CHAPTER 15.

An Act to amend Section 4 of an Act entitled: "An Act relating to Municipal indebtedness, and repealing sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, and 4981 of the Political Code of the State of Montana, approved March 6th, 1897.

Be it Enacted by the Legislative Assembly of the State of Montana:

Act of March 6th, 1897, relating to municipal indebtedness amended.

Section I. That Section IV of an act, entitled: "An Act relating to Municipal indebtedness, and repealing Sections 4970, 4971, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, and 4981 of the Political Code of the State of Montana," approved March 6th, 1897, be, and the same is hereby amended to read, as follows:

Municipal bonds.

Denominations.

Signature of mayor and clerk.

On coupons may be lithographed or engraved.

Interest.

Conditions of sale.

Exchange of bonds.

Such bonds must be in such form as the council, by ordinance, directs, and be in the denominations of one hundred dollars or multiples thereof. The bonds and coupons attached must be signed by the mayor and the city or town clerk, and the date of issue must be registered by the clerk; Provided, a lithographic or engraved fac simile of the signatures of the mayor and the city or town clerk may be affixed to the coupon only, when so recited in the bond. The bonds must be sold at not less than their par value, and at a rate not exceeding six per cent per annum, payable semi-annually; Provided, that the bonds may be sold either to the bidder offering the highest price for them or the bidder offering to purchase the bonds at the lowest rate of interest, which rate shall not exceed six per cent per annum, and a notice of sale must clearly state which form of bids is required. In case bonds authorized to be issued to fund outstanding bonds or warrants shall not be sold at or after the advertised date of sale, the city may exchange the same at not less than par for such outstanding bonds or warrants at their face value, with accrued interest added.

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When Act takes effect.

Section II. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 15, 1907.

CHAPTER 16.

"An Act governing the manner of locating, recording and holding possession of mining claims upon the public domain of the United States within the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Mining claims, discovery and location.

Section I. Any person who discovers, upon the public domain of the United States, within the State of Montana, a vein, lode or ledge of rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, or a placer deposit of gold, or other deposit of minerals having a commercial value which is subject to entry and patent under the mining laws of the United States, may, if qualified by the laws of the United States, locate a mining claim upon such vein, lode, ledge or deposit, in the following manner, viz:

Notice of location posted, what to contain.

I. He shall post, conspicuously, at the point of discovery a written or printed notice of location, containing the name of the claim, the name of the locator, (or locators, if there be more than one,) the date of the location, which shall be the date of posting such notice, and the approximate dimensions of area of the claim intended to be appropriated.

Boundaries of claim, when and how marked.

II. Within thirty days after posting the notice of location, he shall distinctly mark the location on the ground so that its boundaries can be readily traced.

Monuments, prima facie evidence.

It shall be *prima facie* evidence that the location is properly marked if the boundaries are defined by a monument at each corner or angle of the claim, consisting of any one of the following kinds: (1) A tree

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at least eight inches in diameter, and blazed on four sides. (2) A post at least four inches square by four feet six inches in length, set one foot in the ground, unless solid rock should occur at a less depth, in which case the post should be set upon such rock, and surrounded in all cases by a mound of earth or stone at least four feet in diameter by two feet in height. A squared stump, of the requisite size, surrounded by such mound, shall be deemed the equivalent of a post and mound. (3) A Stone at least six inches square by eighteen inches in length, set two-thirds of its length in the ground, with a mound of earth or stone alongside at least four feet in diameter by two feet in height, or (4) a boulder at least three feet above the natural surface of the ground on the upper side.

By trees.

By posts.

By stone and mound of earth.

By boulder.

Where other monuments, or monuments of lesser dimensions than those above described, are used, it shall be a question for the jury, or for the court where the action is tried without a jury, as to whether the location has been marked upon the ground so that its boundaries can be readily traced. Whatever monument is used, it must be marked with the name of the claim and the designation of the corner, either by number or cardinal point.

Sufficiency of other monuments question of fact.

How marked.

III. Within sixty days after posting such notice, he shall sink a shaft upon the vein, lode or deposit, at or near the point of discovery, to be known as the discovery shaft. Such shaft shall be sunk to the depth of at least ten feet, vertically, below the lowest part of the rim of such shaft at the surface, or deeper if necessary to disclose the vein or deposit located, and the cubical contents of such shaft shall be not less than one hundred and fifty cubic feet; provided, that any cut or tunnel which discloses the vein, lode or deposit located at a vertical depth of at least ten feet below the natural surface of the ground and which constitutes at least one hundred and fifty cubic feet of excavation, shall be deemed the equivalent of

Discovery shaft, to sink within 60 days of posting.

Deptn.

To disclose vein or deposit.

Cubical contents of shaft.

Cut or tunnel at discovery.

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such shaft, and, provided also, that, where the vein, lode or deposit located is disclosed at a less vertical depth than ten feet, any deficiency in the depth of the discovery shaft, cut or tunnel may be compensated for by any horizontal extension of such working, or by any excavation done elsewhere upon the claim, equalling, in cubical contents, the cubical extent of such deficiency; but in every case at least 75 cubic feet of excavation shall be made at the point of discovery.

Deficiency in depth of discovery shaft or cut, how compensated for.

Minimum amount of cubical excavation.

Notice of location.

Section II. Within sixty days after posting the notice of location and for the purpose of constituting constructive notice of the location, the locator shall record his location in the office of the county clerk of the county in which such mining claim is situated. Such record shall consist of a certificate of location containing:

Recording.

Contents.

Name.

I. The name of the lode or claim.

Locators.

II. The name of the locator or locators, if there be more than one.

Date and description.

III. The date of location, and such a description of said claim, with reference to some natural object or permanent monument, as will identify the claim.

Lode, dimensions claimed.

IV. In the case of a lode claim, the direction and distance claimed along the course of the vein each way from the discovery shaft, cut or tunnel, with the width claimed on each side of the center of the vein.

Placer, area claimed.

V. In the case of a placer claim, the dimensions or area of the claim, and the location thereon of the discovery shaft, cut or tunnel.

Other facts that may be shown, in notice.

VI. The locator and claimant, at his option, may also set forth, in such certificate of location, a description of the discovery work, the corner monuments and the markings thereon, and any other facts showing a compliance with the provisions of this law.

Verification.

Such certificate of location must be verified, before some officer authorized to administer oaths, by the locator, or one of the locators, if there be more than

one, or by authorized Agent. In the case of a corporation, the verification may be made by any officer thereof, or by an authorized agent. When the verification is made by an Agent, the fact of the agency shall be stated in the affidavit.

Notice of location prima facie evidence.

A certificate of location so verified, or a certified copy thereof, is *prima facie* evidence of all facts properly recited therein.

Mill sites.

Section III. Millsite claims may be located and recorded in the same manner as other claims, except that no discovery or discovery work is required. Where a millsite claim is appurtenant to a mining claim, the certificate of location of such millsite claim shall describe, by appropriate reference, the mining claim to which it is appurtenant.

Appurtenant to mining claim.

Re-location of abandoned claims.

Use of old workings.

Discovery work required.

Section IV. The re-locator of an abandoned or forfeited mining claim may adopt as his discovery any shaft or other working, existing upon such claim at the date of the relocation, in which the vein, lode or deposit is disclosed, but, in such shaft or other working, he shall perform the same discovery work as is required in the case of an original location.

Rights of a re-locator.

Section V. The rights of a re-locator of any abandoned or forfeited mining claim, hereafter re-located, shall date from the posting of his notice of location thereon, and, while he is duly performing the acts required by law to perfect his location, his rights shall not be affected by any re-entry or resumption of work by the former locator or claimant.

Amended locations.

Section VI. A locator or claimant may, at any time, amend his location and make any change in the boundaries which does not involve a change in the point of discovery as shown by the discovery shaft by marking the location as amended upon the ground, and filing an amended certificate of location conforming to the requirements of an original certificate of location. A defect in a recorded certificate of location may be cured by filing an amended certificate.

Defect, how cured.

Relocations.

Section VII. A locator or claimant may, at any time, re-locate his own claim for any purpose, except to avoid the performance of annual labor thereof, and, by such re-location, may change the boundaries of his claim, or the point of discovery, or both, but such re-location must comply, in all respects, with the requirements of this law as to an original location.

May change boundaries and discovery.

Previous rights not waived by re-location.

Section VIII. Where a locator or claimant amends or re-locates his own claim, such amendment or re-location shall not be construed as a waiver of any right or title acquired by him by virtue of the previous location or record thereof, except as to such portions of the previous location as may be omitted from the boundaries of the claim as amended or re-located.

Exception.

Election.

As to the portion of ground included both in the original location and the location as amended or re-located, he may rely either upon the original location or the location as amended or re-located, or upon both. Provided, that nothing herein contained shall be construed as permitting the locator or claimant to hold a tract which does not include a valid discovery.

Third persons rights, not to be interfered with by re-location.

Section IX. No amendment or re-location of a mining claim by the locator or claimant thereof shall interfere with the right of any third person existing at the time of such amendment or re-location.

Locations heretofore made valid.

Section X. All mining locations, made and recorded under the laws of this state, heretofore in force, that in any respect have failed to conform to the requirements of such laws, shall, nevertheless, in the absence of the rights of third persons accruing prior to the passage of this Act, be valid if the making and recording of such locations conform to the requirements of this Act.

Time prescribed not mandatory.

Section XI. The period of time, prescribed by this law for the performance of any act, shall not be deemed mandatory where the act is performed before the rights of third persons have intervened, and no defect in the posted notice or recorded certificate shall be deemed material, except as against one who has

Defect in notice of location not material.

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located the same ground, or some portion thereof, in good faith and without notice. Exception.

Notice to an agent, who makes a location in behalf of another, shall be deemed notice to his principal, and notice to one of several co-claimants shall be deemed notice to all. Notice to Agent. Notice to co-claimants.

Section XII. The issuance of a United States Patent for a mining claim shall be deemed conclusive that the requirements of the laws of this state, relative to the location and record of such mining claim, have been duly complied with; provided, however, that where questions of priority are involved the date of the location shall be an issuable fact where it is claimed to have been prior to the date of the record of the location. U. S. Patent, proof of compliance with State laws. Proviso.

Section XIII. All Acts and parts of Acts in conflict herewith, including Sections 3610 and 3615 of the Political Code, and Sections 3611 and 3612 of the said Code as amended by an Act of the Seventh Legislative Assembly, entitled: Repealing Clause. Political Code, Sections 3610, 3611, 3612, 3615 repealed.

An Act to amend Sections 3611 and 3612 of the Political Code of Montana, relating to the location of mining claims and the making and filing of declaratory statements, approved March 15, 1901, are hereby repealed.

Section XIV. This Act shall be in force and effect from and after its passage and approval. When Act takes effect.

Approved Feby. 18, 1907.

CHAPTER 17.

"An Act to Amend Article II, of Chapter VI, Part III, Title III, of the Political Code relating to the Duties of the County Superintendent of Schools, adding a Section to be known as Section 1745, regarding the School Census, and providing Penalties for the Violation of the Provisions thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Article II, Chapter VI, Title III, added to.

Section 1. That Article II, of Chapter VI, of Part III, Title III, of the Political Code be and the same is hereby amended by adding a section to be known as Section 1745 to read as follows:

School census, copy of to be furnished the Commissioner of Bureau of Agriculture.

Section 1745. It shall be the duty of the County Superintendent of Schools to prepare and transmit within thirty days after he receives the school census from the district clerk, a copy of the census showing the name, sex, age and date of birth of each child under seventeen years of age residing in the county together with the names of the parents or guardians of such children to the Commissioner of the Bureau of Agriculture, Labor and Industry. No County Superintendent shall be paid his salary for the last month in his official year until he presents to the County Commissioners the receipt of the Commissioner of the Bureau of Agriculture, Labor and Industry for such annual census report.

Penalty.

When Act takes effect.

Section 2. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 18, 1907.

CHAPTER 18.

An Act to amend Section 1192 of the Penal Code of the State of Montana, making it unlawful to, wrongfully and without authority, use the name, title of officers, insignia, ritual or ceremonies of certain Orders and Societies, and providing punishment for the violation of the provisions of this Act.

Be it Enacted by the Legislative Assembly of the State of Montana:

Penal Code, Section 1192 amended.

Section I. That Section 1192 of the Penal Code of the State of Montana be, and the same is hereby amended so as to read, as follows:

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Badges, titles, or rituals of Societies or Organizations, use of prescribed.

Section 1192: Any person who wilfully wears the badge of the Grand Army of the Republic, the insignia, badge or rosette of the Military Order of the Loyal Legion of the United States, or of the Military Order of Foreign Wars of the United States, or the badge or button of the United Spanish War Veterans, or the Order of Patrons of Husbandry, or the Benevolent and Protective Order of Elks of the United States of America, of the Order of the Knights of Pythias or Labor Organizations, or any Society, Order or Organization of ten years standing in the State of Montana, or use the name to obtain aid or assistance within this State, or wilfully uses the name of such society, order or organization, the title of its officers, or its insignia, rituals or ceremonies, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such Order, or of such Society, Order or Organization, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed ninty days in the county jail, or a fine not to exceed two hundred and no-100—($200.00) dollars, or by both such fine and imprisonment, provided this shall not apply to the wives, daughters, sisters or mothers of members of these orders who are in good standing.

Misdemeanor.

Penalty.

Proviso.

When Act takes effect.

Section II. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 19, 1907.

CHAPTER 19.

An Act to amend an Act, entitled: An Act to amend the Act, entitled: An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection, approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act, approved March 4, 1905.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Act of March 7, 1903, relating to Bureau of Child and Animal Protection, amended.

Section I. That Section II of An Act entitled: "An Act to amend the Act, entitled: An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection, approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act" approved March 5, 1905, be, and the same is hereby amended to read, as follows:

Appointment of Secretary.

Salary.

Chief of Bureau.

Section II. The Governor of the State is hereby authorized and empowered to appoint a Secretary at a salary of eighteen hundred ($1800.00) dollars per annum, payable monthly, who shall be Chief of the Bureau, and whose duty it shall be to carry out the purposes of said Bureau, as hereby established.

Act of March 7, 1903, amended.

Section II. That Section V of an Act entitled: "An Act to amend the Act, entitled: An Act to prevent wrongs to children and dumb animals, and to establish a Bureau of Child and Animal Protection, approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act," approved March 4, 1905, be, and the same is hereby amended to read, as follows:

Deputies.

Section V. The Secretary shall have power to appoint two deputies. Such deputies shall take and subscribe the same oath required by the principal, and the same shall be of record in the Secretary's office. The deputies shall have the same power and authority as vested by law in the principal, and shall have

Salary

a salary of one hundred twenty-five ($125.00) dollars per month, payable monthly out of the public treasury.

Reports.

They shall make full and complete reports every month to said principal, showing all their official acts, with names of persons accused and against whom prosecutions may have been instituted, and the re-

Removal.

sults thereof. Said deputies may be removed, at any time, by the Secretary, and another appointed to fill the vacancy. One of said deputies shall have his

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headquarters in the County of Silver Bow, and shall have authority to operate in other counties, when called or directed by the Secretary of the Bureau. Headquarters.

Section III. That Section VI of an Act, entitled "An Act to amend the Act, entitled: An Act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection, approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act" approved March 4, 1905, be, and the same is hereby amended to read, as follows: Act of March 7, 1903, amended.

Section VI. The said Secretary of the Bureau of Child and Animal Protection, provided for in said Act, shall be, and is hereby authorized and empowered to appoint and have one clerk, who shall be paid out of the public treasury a monthly salary, not exceeding fifty ($50.00) dollars. Clerk. Salary.

Section IV. That Section X of an Act, entitled: "An Act to amend the Act, entitled: An Act to prevent wrongs to children and dumb animals and to establish a Bureau of Child and Animal Protection, approved March 7, 1903, and repealing Sections 1, 2, 3, 4, 5, 6, 7 and 8 of said Act," approved March 4, 1905, be, and the same is hereby amended to read, as follows: Act of March 7, 1903, amended.

Section X. The Secretary is hereby vested with authority to make arrests of any person, or persons, violating any provisions of the laws relating to wrongs to children and dumb animals, and is hereby further vested with the authority to enter work-shops, factories, stores, mines, mills and smelters, and all other places where children may be employed, and do what may be necessary in the way of investigation, or otherwise, to enforce the laws pertaining to minor children and animals. Authority of Secretary.

Section V. All Acts and parts of Acts in conflict herewith be and the same are hereby repealed. Repealing Clause.

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When Act takes effect.

Section VI. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby. 19, 1907.

CHAPTER 20.

An Act authorizing and directing the transfer of all records and papers in any action or proceeding affecting real property in any new county heretofore created, or hereafter created, and providing the method of transferring and certifying such records:

Be it Enacted by the Legislative Assembly of the State of Montana:

Records of actions affecting real estate to be transferred to new counties.

Section I. That in all counties heretofore created out of any other county, and in all counties that may be hereafter created, wherever there has been an action or proceeding begun, affecting any real property situate within such new county, whether such action has been prosecuted to judgment or not, upon a written motion being filed by any person or persons interested in such real property so affected by such action or proceeding, requesting the transfer of the files and papers and records of such action or proceeding to the office of the Clerk of the District Court of the new county, wherein such real property is situated, it shall be the duty of the Judge of the District Court, in which said action or proceeding was originally begun, to order that a transfer of all the files and papers of such action or proceeding be made to the office of the Clerk of the District Court of the new county in which such real property is situated; and when such an order of transfer is made, it shall be the duty of the Clerk of the District Court, wherein such action or proceeding was originally instituted, to transmit all of the files and papers in such action or proceeding, together with a certified copy of all

Notice of transfer.

Judge to order transfer.

Clerk of District Court to make transfer.

minutes of the Court relating to such action or proceeding, to the clerk of such new county in which the real property, the subject matter of such action or proceeding, is situated; and that said Clerk of the District Court of the new county in which said property is situated shall, upon the receipt of such files and papers and certified copies of the minutes of the court, file said papers in his office as transferred files from the original county, and shall enter and transcribe upon his records any final judgment or decree or order contained in such files or papers or records so transferred.

Clerk of District Court of new county to file and record.

Section II. That upon the receipt and filing of the files and papers in any action or proceeding transferred to a new county heretofore created, or that may be hereafter created, in accordance with the provision of this Act, the District Court of such new county, in which such files and papers shall have been transferred, shall have the same jurisdiction with reference to said real property for the enforcement of any decree, judgment or order that may have been entered therein, or for such other proceedings as may be necessary in such action or proceeding as the District Court had in the county wherein such action or proceeding was originally begun.

Jurisdiction of District Court.

Section III. That the Clerk of the District Court wherein such action or proceeding was originally begun shall be entitled to receive, for transferring such files and papers and certified copy of the minutes and records entered in connection with such action or proceeding, no other fee than at the rate of twenty (20c) cents per folio for copies of minutes made by him, and fifty (50c) cents for certificate fee; that the Clerk of the District Court of the new county, to which such files and papers may be transferred in accordance with the provisions of this Act, shall not be entitled to any fees for the filing of such transferred records, but for the filing of any papers that may be filed thereafter in connection with such action

Fees for transferring records.

or proceeding, or for the issuance of any writs or other papers, such clerk shall be entitled to charge the same fees as now provided by law.

Repealing Clause.

Section IV. All Acts or parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section V. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 19, 1907.

CHAPTER 21.

An Act, entitled: "An Act to provide for the incorporation, management and regulation of mutual companies for the insurance of the property of the members against loss or damage by fire or the elements."

Be it Enacted by the Legislative Assembly of the State of Montana:

Mutual insurance corporations.

Section 1. Any number of persons, not less than twenty-five, who collectively shall own in any county in this state property of the value of twenty-five thousand dollars, which they desire to have insured, may form a corporation, under the provisions of this Act, for the purpose of insuring the property of the members, situate within the county where the operations of the corporation are to be carried on, against loss or damage by fire, or the elements of any such agencies as may be specified in the articles of incorporation.

Articles of incorporation.

Section II. Articles of Incorporation must be prepared, setting forth:

Name of corporation and county.

1. The name of the corporation, which must include the name of the county in which the operations of the company are to be carried on.

Purpose.

2. The purpose for which it is formed.

County and place of business.

3. The name of the county in which its operations are to be carried on, and the place within such county where its principal business shall be transacted.

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4. The term for which it is to exist, not exceeding twenty years. Life of corporation.

5. The number of its directors, which shall not be less than five, nor more than thirteen, and the names of those who are appointed to manage the affairs of the corporation until the first annual meeting of the members, and until their successors are elected and qualified. Directors. Managers.

6. The names of the incorporators, and the value of the property, desired insured, owned by each in the county where the operations of the company are to be carried on. Incorporators and value of property.

Section III. The Articles of Incorporation must be executed in duplicate by, at least, three of the incorporators, and acknowledged before some officer authorized to take and certify acknowledgments of conveyances of real property, and one of the instruments shall be filed with the County Clerk and Recorder of the county where the operations of the corporation are to be carried on, and the other with the State Auditor. The copy of Articles of Incorporation filed with the State Auditor shall first be certified by the County Clerk as being a true and correct copy of the Articles filed with such County Clerk, and, thereupon, the persons named in the Articles of Incorporation, and the members, thereafter, of such corporation, shall be a body politic, and corporate for the term stated in the Articles, not exceeding twenty years. Execution. Acknowledgment. Filing.

Section IV. A copy of any Articles of Incorporation filed in pursuance of this Act, and certified by the State Auditor, must be received in all courts, and other places, as prima facie evidence of the facts therein stated, and of the due incorporation of the company named in such Articles. Certified copy, prima facie evidence.

Section V. The fee for filing the Articles of Incorporation with the County Clerk and Recorder shall be one dollar, and the fee for filing the Articles of Incorporation with the State Auditor shall be ten dollars. Fees for filing.

Section VI. Upon filing the Articles of Incorpora- By laws, how adopted.

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tion, by-laws shall be adopted by a majority of the members present at a meeting called for that purpose by a majority of those executing the Articles of Incorporation, upon, at least, five days notice by mail to each member.

By laws may provide for.

Section VII. A corporation, organized under the provisions of this Act, may by its by-laws provide:

Directors, election and term of office.

1. The terms of the directors, provided, that at least part of the directors shall be elected at each annual meeting and that the term of no director shall be longer than three years.

Annual meetings.

2. The date of the annual meeting of the members, at which directors shall be elected, provided that

Manner of voting.

each member shall be permitted to cast one vote either in person or by proxy for each director to be elected, and each member shall be permitted to cast one vote either in person or by proxy for each director to be elected, and each member shall be permitted to cast one vote either in person or by proxy for each director to be elected, and each member shall be permitted to cumulate his votes for one or more directors, not exceeding the number to be elected.

Directors, failure to elect.

3. How the directors shall be elected in case no election occurs at the annual meeting.

Amendments to.

4. How the by-laws shall be amended.

Officers duties, compensation and bonds.

5. The duties and compensation of the officers, and the bonds to be required of them.

Notice of meetings.

6. The manner and time of giving notice of all annual and special meetings of the members.

Character of property.

7. The character of property to be insured, and under what restrictions and limitations.

Membership.

8. Restrictions and limitations as to membership, and the powers, duties and obligations of members.

Form of application and policy.

9. The form of application and form of policy.

Assessments.

10. The manner of making and collecting assessments.

Losses.

11. The manner of making proof, adjustment and payment of losses.

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12. The manner of the withdrawal, suspension and expulsion of members. Members.

13. The books and records to be kept by the corporation, reports required of the officers, and the manner of examining and auditing their accounts. Books, records, reports and auditing.

14. What shall be contained on the corporate seal, and when it shall be required to be used. Corporate Seal.

15. Such other matters as may be deemed necessary for the management of the affairs of the company, and the carrying out of the purposes for which it is incorporated.

Section VIII. The by-laws of any corporation organized under the provisions of this Act shall be binding on all members, and be, and become, as from time to time amended, a part of the contract of insurance between the company and the members. By-laws a part of the contract.

Section IX. The general management of the affairs of the corporation shall be vested in the Board of Directors, who shall be members of the company, and such board shall elect, from their number, a president and vice-president, and shall also elect a secretary and a treasurer, who may or may not be members of the company, all of whom shall hold their offices until the first meeting of the directors following the annual meeting of the members, unless removed by the Board of Directors. Management, how vested. President and Vice President. Secretary and Treasurer.

Section X. No policies of insurance shall be issued by any company organized under the provisions of this Act until such company shall have received applications aggregating fifty thousand dollars, and, when applications aggregating that amount have been received, the company shall cause to be filed with the county clerk and recorder of the county where its operations are carried on a statement to that effect, certified to by its president and secretary, with its corporate seal attached. Minimum of aggregate amount of insurance. Statement to be filed with County Clerk.

Section XI. Whenever insurance, carried by any corporation organized under the provisions of this Act, shall in the aggregate amount to less than fifty When amount of insurance falls below minimum, company shall wind up its affairs.

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thousand dollars, no further applications shall be received or policies written, and all policies existing shall become null and void, notice of which shall be given to each member by mail, and the directors of the company shall proceed to wind up its affairs in such manner as a majority of the members may direct present at a meeting called for that purpose.

Annual statement.

Section XII. Every corporation organized under the provisions of this Act shall, within twenty days after the thirty-first day of December of each year, cause to be filed, with the county clerk and recorder of the county where its operations are carried on, a statement in writing, signed by its president and secretary, with its corporate seal attached, showing the conditions of the company on that date, exhibiting the following facts:

What it must contain.

1. The name of the president and secretary.

2. The date of the annual meeting.

3. The amount of insurance in force.

4. The number of members.

5. The number of assessments made during the year.

6. The amount paid in losses during the year.

7. The amount of the losses claimed and not paid with the reason for non-payment.

8. The number of members withdrawn, suspended and expelled during the year.

9. The number of new members admitted during the year.

10. The expenses during the year.

11. The amount of money on hand. A true copy of said statement verified by the county clerk, shall be sent by mail to the State Auditor who shall file the same in his office, and said State Auditor shall have and is hereby granted authority to, at any time, investigate and examine the affairs and books of any such corporation, or such examination may be made

Examination of books and affairs by State Auditor.

by the State Examiner, who shall report his findings to the State Auditor. State Examiner.

Section XIII. No report, statement or return of any nature, shall be required of any corporation organized under the provisions of this Act other than that required by Section XII. Any corporation failing to file such statement may, on suit brought by any member, be enjoined by the District Court of the County from carrying on any business until such statement is filed. Statement. Failure to file.

Section XIV. No corporation organized under the provisions of this Act shall insure any property not owned by a member of the company, and no insurance shall be written or taken by any such corporation within the limits of any incorporated town or city. Property insured must be owned by members. Not within a town or city.

Section XV. No company, organized under the provisions of this Act, shall insure any property not situate within the county where its operations are to be carried on. Property insured must be in home county.

Section XVI. No corporation, organized under the provisions of this Act, shall accumulate any profits or pay any dividends. No profits or dividends.

Section XVII. Each member of a corporation, organized under the provisions of this Act, shall have but one vote at all meetings of the members, and no vote shall be cast by proxy, except as may be prescribed by the by-laws; Provided, however, that the provisions of this section shall not apply to the election of directors. Votes and how cast. Proviso.

Section XVIII. Any corporation, organized under the provisions of this Act, may, by a vote of two thirds of the members present at any annual meeting, or at any special meeting called for that purpose, amend its Articles of Incorporation in any particular within the scope of this Act, by causing amended Articles of Incorporation to be filed in the same form and manner as required for Articles of Incorporation, which amended Articles of Incorporation shall only be required to be signed by the president and secretary of the corporation with the corporate seal attached. Articles of Incorporation; how amended.

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Agents or officers not to pay any fees or license.

Section XIX. No agent of any corporation, organized under the provisions of this Act, shall be required to procure any certificate of authority from any public official to transact business for the corporation, nor shall the corporation or any of its officers, agents or employees be required to pay any fee or license for the transaction of the business of the corporation except as provided, in this act.

Sections 650 to 682 of Civil Code, and "An Act approved March 4th, 1897," not to apply.

Section XX. The provisions of Section 650 to 682, both inclusive, of the Civil Code, and the provisions of the Act of the Fifth Legislative Assembly, entitled: "An Act to provide for the licensing of insurance companies, associations and societies and doing business in the State of Montana," approved March 4, 1897, and all Acts amendatory thereof, shall not apply to any corporation organized under the provisions of this Act.

Not in conflict, or repealing any licensing or insurance laws.

Section XXI. Nothing in this act shall be construed as being in conflict with, or repealing any law or act relating to the licensing of insurance companies.

When Act takes effect.

Section XXII. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved, Feby. 19, 1907.

CHAPTER 22.

An Act to amend Section 4064 of the Political Code of the State of Montana as said Section is amended by House Bill No. 80 of the Seventh Legislative Assembly of Montana, approved March, 4, 1901, and to repeal Sections 4072, 4060, 4073, 4076, 4078 and 4080 of the Political Code of Montana, and to repeal Section 4075 of the Political Code of Montana, as amended by House Bill No. 162 of the Fifth Legislative Assembly, approved March 6, 1897, relating to merchants professional and occupation licenses.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 4064, as amended, of the Political Code of the State of Montana, be, and the same is hereby amended to read, as follows:

Political Code, Section 4064 amended.

Section 4064:

I. Every person, company or corporation selling oleomargarine, butterine, or imitation of cheese, shall pay a license of one cent per pound for all these articles sold.

Licenses. Oleomargarine. butterine or imitation cheese.

II. Every person, or persons, who is engaged in the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco, shall pay a license of Ten ($10.00) Dollars per month.

Cigarettes.

III. Each Railway Company acting in the capacity of a warehouse for the purpose of storing and distributing goods, except any other than the capacity of common carriers, shall pay a license of Ten ($10.00) Dollars per quarter in each county in which said business may be carried on.

Railway Co.'s storing or distributing goods.

Section II. That Sections 4072, 4060, 4073, 4076, 4078, 4080 and 4075, as amended by House Bill No. 167, of the Fifth Legislative Assembly of Montana, approved March 6, 1897, of the Political Code of the State of Montana, and all other sections and parts of sections in conflict with this Act, are hereby repealed; provided, however, that this Act shall in no way effect or invalidate any licenses due, or unpaid, at the time this Act goes into effect.

Political Code, Sections 4072, 4060, 4073, 4076, 4078, 4080, 4075, repealed.

Repealing Clause.

Proviso.

Section III. This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Filed Feb. 20th, 1907, at 10:45 o'clock A. M.

(Note by the Secretary of State: The foregoing Act having been presented to the Governor for his approval and not having been returned by him to the House in which it originated within the time prescribed by the Constitution has become a law without his approval.)

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CHAPTER 23.

"An Act to authorize and empower foreign Corporations to exercise the right of eminent domain in Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Eminent domain, right of foreign corporations to exercise.

Section 1. Any corporation, organized under the laws of any state of the United States, or the laws of the United States, and authorized to engage in business in this state, and engaged in business in this state, may acquire real property as provided in the Code of Civil Procedure, Title VII, Part III, to the same extent, for the same purposes, and in the same manner, as corporations organized under the laws of this state.

When Act takes effect.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 20th, 1907.

CHAPTER 24.

"An Act to Amend Section 4870 of the Political Code of the State of Montana, as Amended by House Bill No. 213, entitled, "An Act to Amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and 4877 of the Political Code of the State of Montana, Relating to Taxation in Municipal Corporations, Approved March 3, 1897."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code. Section 4870 amended.

Section 1. That Section 4870 of the Political Code of the State of Montana, as amended by House Bill No. 213, entitled "An Act to Amend Sections 4867, 4868, 4869, 4870, 4871, 4872, 4873, 4874, 4875, 4876, and 4877 of the Political Code of the State of Montana, Relating to Taxation in Municipal Corporations," ap-

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proved March 3, 1897, be amended so as to read as follows:

City taxes to be collected by County Treasurer.

Exceptions.

Manner of collection.

Section 4870. The County Treasurer of each county must collect the tax levied by all cities and towns in his respective county, except in case of such cities of the first and second and third classes as may provide by ordinance for the City Treasurer to collect the taxes from such corrected assessment book. The County Treasurer must collect such city or town taxes, including unpaid road poll taxes, at the same time as the state and county taxes with the same penalties and interest in case of delinquency.

Delinquent taxes, publication and sale.

All publications for sales for delinquent taxes shall include such city or town taxes, there being but one sale for each piece of property, such sale to cover the aggregate of such city or town, county and state taxes, with the penalties, interest and cost of advertising provided by law. All moneys received from sales, redemptions, and from sales by the county, after deed given by the County Treasurer as provided by Law, shall be credited to the state, county and city, or town, pro rata, in the same proportions as provided in Sections 3925 and 3926 of the Political Code.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved Feby. 20, 1907.

CHAPTER 25.

"An Act to establish a State Bureau of Vital Statistics, placing the same under the supervision of the Secretary of the State Board of Health, and describing the duties of the Secretary of the State Board of Health and the duties of the subordinate officers of the State Board of Health relative thereto, and fully providing for the registration of births and deaths and other statistical matter relative to sani-

tary affairs and providing for sub-registrars and providing for the payment therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Bureau of Vital Statistics established.

Section 1. That for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes, there shall be, and hereby is, established and created a State Bureau of Vital Statistics to be under the immediate superintendence of the secretary of the state board of health of Montana who shall be the State Registrar.

Secretary of State Board of Health, State Registrar.

To make and enforce rules and regulations.

Section 2. The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary, with the approval of the majority of the members of the state board of health, to carry out the provisions of this Act.

Health officers of cities and towns to be local registrar.

Section 3. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates, and to issue burial and removal permits in and for such portions of the county or district as may be designated in thier [their] appointments, and they shall be subject to the same requirements and obligations as the local registrars, and shall make returns dirrectly [directly] to the state registrar as hereinafter provided.

Appointment of sub-registrars.

Births to be registered.

Section 4. That all births shall be registered in the district in which they occur as hereinafter provided.

Burial or removal permits.

Section 5. That the body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any regis-

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tration district until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Stillborn children or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner.

Form of certificates.

Section 6. That the forms of certificates used in registering births and deaths under this Act shall be the standard form recommended by the Bureau of the Census and the American Public Health Association.

Duty of undertaker to obtain certificate of death and permit.

Section 7. That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and he shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required, shall in all cases be stated in accordance with the rules and regulations of the state registrar.

Medical certificate, what it shall state.

Cases of death without medical attendance.

Section 8. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and, when

so notified, the registrar shall inform the local health officer or coroner and refer the case to him for immediate investigation and certification prior issuing a burial permit.

Birth certificates to be filed within ten days.

Section 9. The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or mid-wife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten days after birth.

No interments without permits.

Section 10. No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And

Sextons to make return and keep records.

he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

Duties of State Registrar.

Section 11. The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious, or com-

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municable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein.

Duties of local and sub-registrars.

Section 12. That its shall be the duty of the local registrar or sub-registrar to supply blank forms of certificate to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call the attention to the defect in the return and with hold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the state and local boards of health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form

identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar and he shall, on the fifth day of each month, transmit to the state registrar, all the original certificates registered by him durin [during] the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

Fee to be paid the person making and filing certificate of birth.

Section 13. Each physician, midwife, father of child, householder or owner of premises, manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar within ten days after the birth of a child a proper certificate correctly and legibly made out and containing all the items required by the provisions of this act and the rules and regulations of the state registrar shall be entitled to receive the sum of fifteen (15) cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certificates in which certain items are missing shall not be regarded as complete and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed herein.

Physicians, midwives and undertakers to be registered.

Section 14. That every physician, midwife, and undertaker shall without delay register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be

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furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar, relative to its enforcement.

Superintendents of hospitals, etc., to keep records of inmates.

Section 15. All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort to treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar. And thereafter such records shall be made by them, for all future inmates, at the time of admission.

Registration fee.

Section 16. That each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five (25) cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar.

Forms of certificate supplied.

Local registrars to keep records and make returns.

Failure to make medical certificate of death.

Misdemeanor.

Penalty.

False certificate

Section 17. That if any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be

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Misdemeanor. Penalty.

guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court.

Failure to make and file certificate of birth. Misdemeanor. Penalty.

And any physician or midwife, or any other person with responsibility for reporting births, in the order named in Section 9 of this act, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense.

Burial or removal without permit. Misdemeanor. Penalty.

And any sexton, undertaker, or other person who shall inter, remove or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Neglect of duties by registrars. Misdemeanor. Penalty.

And any registrar or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Violations. Misdemeanor. Penalty.

And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Local and sub-registrars, powers and duties.

Section 18. Local registrars and sub-registrars are hereby charged with the strict and thorough enforce-

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ment of the provisions of this act in their districts, under the supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him upon request, in such investigations, When he shall deem it necessary he shall report cases or violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar the attorney general shall likewise assist in the enforcement of the provisions of this act.

Repealing Clause.

Section 19. All Acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

When Act takes effect.

Section 20. This act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 20, 1907.

CHAPTER 26.

"An Act prohibiting any State Officer, State Board of Trustees, State Managers or Commissioners from contracting any liabilities or indebtedness for any purpose whatever, in excess of the amount appro-

priated for the office, institution or commission or organization under his or their control or management, without the previous authority of the State Board of Examiners."

Be it Enacted by the Legislative Assembly of the State of Montana:

Indebtedness in excess of appropriation prohibited.

Section 1. No State officer, State Board of trustees, or managers or commissioners shall have any authority to, or shall contract any liability or indebtedness whatever in excess of the amount appropriated to such officer, board of trustees, or managers or commissioners, or for the office, institution, commission or organization under his or their management or control, without previous authorization from the State Board of Examiners, and if any liability or indebtedness be incurred or expenditure be made, in violation of this act, no claim therefor shall be allowed by the State Board of Examiners.

State Board of Examiners may authorize.

Repealing Clause.

Section 2. All acts, or parts of acts, in conflict herewith, are hereby repealed.

When Act takes effect.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 21, 1907.

CHAPTER 27.

"An Act to Allow Traveling Expenses of County Superintendents of Schools."

Be it Enacted by the Legislative Assembly of the State of Montana:

County Superintendents of Schools. traveling expenses.

Section 1. In addition to the salary now provided by law each county superintendent of schools shall be paid his necessary traveling expenses incurred in the discharge of his duties, not to exceed Three Hundred Dollars ($300.00) in any one year.

Audited and allowed.

Section 2. The Boards of County Commissioners of the several counties of the state are hereby

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authorized and directed to audit and allow such traveling expenses of the superintendent of schools of the respective counties, quarterly, and the same shall be paid out of the general fund of such county.

Section 3. This act shall take effect and be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved Feby. 21, 1907.

CHAPTER 28.

An Act to amend Section 4120 of the Political Code of Montana, defining the boundaries of Fergus County, Montana, so as to include the territory acquired by it under the provisions of an Act, entitled: "An act providing for the extension of the northern boundary of Fergus County," approved March 14, 1899.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I. That Section 4120 of the Political Code of Montana be amended so as to read as follows: Political Code, Section 4120 amended.

Section 4120. All that portion of the State of Montana lying and being situated within the following boundaries shall be known as Fergus County, to-wit: Fergus county.

Beginning at the middle of the main channel of the Missourri [Missouri] River, opposite the middle of the main channel of the Musselshell River, running, thence, up the middle of the main channel of the Missourri River to a point opposite the middle of Arrow Creek; thence, up the middle of Arrow Creek to a point due east of the mouth of Smith River, where the same empties into the Missourri River; thence, due west to the west boundary line of Township 19, north of Range 11, east; thence, south on the boundary line between Ranges 10 and 11, east to the center of the Divide, between the waters of Smith River, Boundaries.

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Musselshell River and Judith River; thence, easterly along the middle of said Divide to the most easterly point of the Belt Mountains, at Judith Gap; thence, due east to the nearest branch of Careless Creek; thence, down the middle of Careless Creek to the Musselshell River; thence, down the middle of the Musselshell River to the place of beginning.

County Seat. The county seat is Lewistown.

Repealing Clause. Section II. All Acts and parts of Acts in conflict with provisions of this act are hereby repealed.

When Act takes effect. Section III. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 21, 1907.

CHAPTER 29.

An Act to establish County Free High Schools and provide for their maintenance, "Approved March 3, 1899, and repealing "An Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, and 19, and to repeal Sections 21 and 22 of Substitute for House Bill No. 69: 'An Act to establish County Free High Schools and to provide for their Maintenance, Approved March 3, 1899, and to re-number certain sections of said act,' Approved March 14, 1901; Also repealing Chapter LXIX of the laws of 1903, Entitled: "An Act to amend sections 2 and 3 of Senate Bill No. 37, As enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of trustees of the County Free High Schools," Approved March 5, 1903, and to validate everything done under any of said Acts of March 3, 1899, March 14, 1901 and March 5, 1903."

Be it Enacted by the Legislative Assembly of the State of Montana:

County free high schools. Section I. Any county in the state may establish a county free high school on the condition and in the

manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools.

Petition to establish.

Section II. Whenever one hundred freeholders in any county shall petition the Board of County Commissioners, requesting that a high school be established in their county, the county clerk shall give twenty days notice, by publication in the official paper of the county, that such petition has been filed, and that any village, town or city may become a candidate for the location of said high school upon petition of not less than fifty freeholders of said village, town or city, requesting that said place be named as a candidate for the location of said school. All nominations of places for the location of said school shall be filed with the Board of County Commissioners within thirty days from the date of the first publication of said notice. Any number of places may be candidates for the location of said school, but no freeholder shall append his name to more than one petition.

Publication of notice.

Candidates for location, nominated by petition.

Filing of nominations.

Election for establishing and location, how conducted.

Section III. At the expiration of thirty days from the date of the first publication of said notice, the county Commissioners shall call an election and appoint precinct judges and clerks. Said election shall be conducted in accordance with the general election laws of the state. The county clerk shall give twenty days notice of such election, by publication in the official paper of the county, that the question of establishing a county free high school in said county, and the location thereof, will be submitted to the qualified electors of said county at a designated time. The notice shall distinctly specify the places which are candidates in the forthcoming election. The qualified electors shall vote, by ballot, for or against the establishment of a county free high school, and any elector who shall vote for the establishment of the county free high school, may vote for not more than one of the places named

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upon said ballot as a candidate for the location of said school. The ballot shall be, substantially in the following form:

For a County High School, at
Helena,
Marysville,
Against a County High School.

An elector desiring to vote for the establishment of a high school, shall do so by placing an X before the name of the town at which he desires the high school to be located, which shall also be a vote in favor of such town. An elector desiring to vote against the establishment of a high school shall do so by placing an X before the clause "Against a County High School," and shall not vote for any town.

Election returns, how canvassed.

Section IV. After the election, the ballots on said question shall be canvassed in the manner provided for general county elections, and, if the votes in favor of establishing a county free high school shall be a majority of all the votes cast upon said proposition, the Board of County Commissioners shall proceed to canvass the vote for the different candidates for the location of said school, and the village, town or city having the largest number of votes for the location of said school, provided said number of votes be a majority of all votes cast in favor of the measure, shall be declared to be the place for the location thereof. If the election results in favor of establishing such high school, and any candidate for its location has a majority, the Board of County Commissioners, by an order duly entered on their minutes, shall so declare this fact, and the Board shall immediately thereafter appoint six persons, residents and tax payers of the county, at least three of whom shall be residents of the village, town or city where the school is located, who shall, with the County Superintendent of Schools, constitute a Board of Trustees for said school.

Board of Trustees appointed.

Tie vote for location.

In case of a tie vote between two or more of the

candidates having the highest number of votes for the location of said school, the county commissioners shall immediately call another election in the manner provided by law for general county elections, at which the only question to be submitted shall be the location of said school, and only the names of those candidates so tied shall appear upon the ballot.

County Commissioners to hold special meeting to call elections.

Section V. If such petition is filed at any time when the Board of County Commissioners is not in session, the county clerk shall notify the commissioners thereof, and a special meeting shall be held to call the necessary election herein provided for.

Trustees.

Section VI. The trustees of county free high schools, except the County Superintendent of Schools, shall, within thirty days after appointment, qualify by taking the oath of office, and by giving such bond as may be required by the Board of County Commissioners for the faithful discharge of their duties. Said trustees, first appointed, except the County Superintendent of Schools, shall be divided into two classes of three each; the term of office of each class to be one and two years respectively, the respective terms to be decided by lot. The term of office of those in the first class shall expire one year from the third Saturday in April following their appointment, and the term of those in the second class shall expire two years from the third Saturday in April following their appointment.

To qualify and give bond.

Division of classes.

Terms of office.

Appointment by County Commissioners.

The county commissioners shall appoint three trustees at their regular quarterly meeting in March of each year, and shall fill all vacancies as soon as practicable after the same occur.

Terms of office.

The term of office of trustees, other than the County Superintendent of Schools, except of those first appointed, as hereinbefore provided, shall be for two years and until their successors are appointed and qualified. Appointments to fill vacancies shall be for the remainder of the unexpired term, provided that, in all appointments of trustees under this Act, there shall

be at least three trustees who are residents of the village, town or city in which said high school is located. Whenever any vacancy occurs in said Board of Trustees, from any cause, the secretary of the board shall immediately certify such vacancy to the Board of County Commissioners, who shall fill such vacancies within sixty days thereafter.

Meetings, time and place of.

Said Board of High School Trustees shall be governed, as to the time and place of meeting, as far as practicable, by the provisions of the general school law of the state.

Quorum.

Section VII. A majority of said board shall constitute a quorum for the transaction of all business. At their first meeting in each year the trustees shall

Officers of Board.

choose, from their number, a president, vice president and a secretary, who shall hold office for one year or until their successors have been appointed and qualified, and said trustees shall have authority to make all necessary rules for their government, not inconsistent

County treasurer, treasurer of board.

with the law. The county treasurer of the county shall be the treasurer of the board and the custodian of all funds available for school purposes under the provisions of this Act. Payments shall be made by said treasurer upon warrants drawn against said funds duly signed by the president, or vice president and secretary.

Estimate of funds needed.

Section VIII. At said first meeting, or at some succeeding meeting called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages and for payment of contingent expenses, and they shall present to the Board of County Commissioners a certi-

Tax levy.

fied estimate of the rate of tax required to raise the amount desired for such purposes, and the Board of County Commissioners must levy such tax as other

Limit of levy.

county taxes are levied. But in no case shall the tax for such purpose exceed in one year the amount of ten mills on the dollar on the taxable property of the

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county, and, when the tax is levied for the payment of teachers' wages and for contingent expenses only, it shall not exceed three mills on the dollar. Provided, that said trustees may, if in their judgment they think best, bond the county for the purpose of raising the money necessary to build or purchase and equip the high school herein provided for, and to purchase a suitable site therefor. But no bonds shall ever be issued to pay for teachers' wages, or for the general expenses in maintaining said school.

Bonds may be issued.

Section IX. The Secretary of the Board of County Free High School Trustees, whenever a majority of the board shall so decide, shall certify to the Board of County Commissioners that they have decided to submit to the electors of the county the question whether county bonds shall issue for the purpose of the erection or purchase of a building for high school purposes and the equipment thereof, and for a suitable site therefor, and shall include in such certificate the amount of such bonds, which amount shall not exceed the sum of one hundred thousand ($100,000.00) dollars in any one county. Such bonds may run for a term of twenty years, or less, but no longer, provided, that any such issue of bonds shall not increase the indebtedness of any county beyond the maximum limit fixed by the State Constitution. That, as soon as practicable after receiving such certificate, the Board of County Commissioners shall proceed to submit the question of issuing said bonds to the qualified electors of the county in the manner provided by law for the issuance of other county bonds. If such bonds are issued the county commissioners, at the time of making the levy of taxes for county purposes each year, must levy a tax for that year upon the taxable property in the county for the interest and redemption of said bonds, and such taxes must not be less than sufficient to pay the interest on said bonds for that year and such proportion of the principal as is to become due during such year, and, in any event, must be high

Bond issue, how made.

Maximum amount to be issued.

Term of bonds.

Not to exceed limit of indebtedness.

Election.

Tax levy for interest and redemption.

enough to raise annually, for the first half of the term, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay said annual interest and to pay annually a portion of the principal of said bond, equal to the sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds have to run, and all money so levied, when collected, must be paid into the county treasury to the credit of the county free high school, kept in a separate fund, and be used for the payment of principal and interest on said bonds, and for no other purpose; provided, however, that the accumulated money may be invested as is provided for the investment of money collected for the payment of school district bonds. Said tax shall be levied and collected in the same manner as other county taxes.

Sinking fund.

Investment of funds.

Manner of payment.

Section X. Said bonds shall be paid, principal and interest, in the manner provided for the payment of other county bonds.

Maintenance estimates.

Section XI. In case bonds are issued, the trustees, in making estimates for the maintenance of the high school, shall not include estimates for building or other purposes for which said bonds are issued.

Records.

Warrants issued.

Section XII. The said Board of High school Trustees shall keep a record of all the official acts done by said board, and shall keep a full record of all warrants issued against moneys belonging to said county free high school. Payments of money can only be made upon warrants drawn against said funds belonging to said high school, and the warrants so drawn must specify, upon their face, the purpose for which the warrant is drawn.

Building site selected and secured.

Section XIII. The said Board of Trustees shall proceed, as soon as practicable after their appointment and qualification, to select, at the place designated as the location for the county free high school, the best site that can be obtained, and the title thereto, upon

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securing said site by purchase or otherwise, shall vest in the county; the trustees shall then proceed to make purchase of material, and to let such contracts for necessary school buildings as they may deem proper. They shall not, however, make any purchase, or enter into any contract, whereby obligations are assumed in excess of the amount of funds on hand or available through the levy of taxes for the current year, or the issuance of bonds. The trustees may, at their discretion, lease suitable buildings for the use of the high school while new buildings are in process of erection, or may contract with the trustees of the local school district, or any other parties, for the use of suitable buildings for high school purposes for such time as may be deemed best for the interests of the county.

Contracts for buildings.

Funds on hand or available not to be exceeded.

Buildings may be rented.

Section XIV. After suitable buildings are secured, as herein before provided, for the carrying on of the county free high school, the trustees shall employ some suitable person to take charge of said school, who shall possess such qualifications as are now required to be possessed by a city superintendent of schools, except that said principal shall not be required to possess more than three years experience in teaching; and the trustees shall furnish such assistant teachers as they may deem necessary, and shall designate the salaries which shall be paid to said principal and and assistant teachers.

Principal, to be employed.

Qualifications.

Assistant teachers.

Salaries.

Section XV. The principal of any such high school, with the approval of the Board of Trustees, shall make such rules and regulations as he may deem proper in regard to the studies, conduct and government of the pupils under his charge; and if any such pupils will not conform to, nor obey, the rules of the school, they may be suspended or expelled therefrom by the Board of Trustees.

Rules and regulations for schools.

Violation.

Penalty.

Section XVI. There shall be provided such courses of study as will properly fit the student attending said high school for admission to the collegiate class of any

Courses of study.

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of the state educational institutions, and such courses of study shall contain the work now provided for accredited high schools by the State Board of Education.

Tuition free.

Section XVII. Tuition shall be free, to all pupils residing in the county where the school is located. The Board of Trustees shall make such rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school; provided, that no person shall be admitted to such high school who shall not have passed a satisfactory examination or who does not hold an eighth grade common school certificate. If there should be more applicants than can be accommodated at any one time, each district shall be entitled to send its equal number of pupils, according to the number of pupils it may have as shown by the last report to the County Superintendent of schools; and the boards of the respective school districts shall designate such pupils as may attend, subject to the proviso above.

Admission.

Vacancies in school, may be filled from other counties.

Section XVIII. If, at any time, the school can accommodate more pupils than apply for admission from the county in which the school is situated, the vacancies may be filled by applications from other counties, upon the payment of such tuition as the Board of Trustees may prescribe; but at no time shall such pupils continue in such school to the exclusion of pupils residing in the county in which such school is located.

Trustees entitled to mileage.

Section XIX. The trustees who do not reside at the place where said high school is established are entitled to mileage in attending the meetings of the board. The trustees of said high school shall serve without compensation, but may pay their secretary such reasonable compensation as may be determined, and the board shall make such reports, from time to time, as the County Surperintendent [Superintendent?] of Schools, or the State Superintendent of Public Instruction, may require.

To serve without compensation.

Secretary may be compensated.

To make reports.

Section XX. Upon the presentation of a certificate of graduation from any such county high school, within

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eighteen months from the date of the same, to any state institution of learning, the person, presenting the same, may be admitted without further examination to said institution of learning.

Graduates admitted to state institutions without examination.

Section XXI. All acts and things of any kind, whatsoever, done by any Board of County Free High School Trustees, or by any Board of County Commissioners, of this State prior to the passage of this Act, under the provisions of the Act of March 3, 1899, for the establishment of county free high schools, or under the Act of March 14, 1901, or the Act of March 5, 1903, amending certain Sections of the Act of March 3, 1899, shall be, and are hereby ratified and declared to be valid, and of full force and effect.

Prior acts of any board of trustees, ratified and validated.

Section XXII. That "An Act to establish County Free High Schools, and to provide for their maintenance, being substitute for House Bill No. 69," approved March 3, 1899; Senate Bill No. 37, entitled: "An Act to amend Sections 2, 3, 4, 6, 8, 11, 12, 13, 14, 16, 17, 19, and to repeal Sections 21 and 22 of Substitute for House Bill No. 69: "An Act to establish Free County High Schools and to provide for their maintenance," approved March 3, 1899, and to renumber certain Sections of said Act, approved March 14, 1901, and Chapter LXIX entitled: "An Act to amend Section 2 and 3 of Senate Bill No. 37, as enacted by the Seventh Legislative Assembly of the State of Montana, relating to the election of the Trustees of the County Free High Schools," approved March 5, 1903, and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing Clause.
Act of March 3, 1899, repealed.

Act of March 14, 1901, repealed.

Chapter LXIX, Laws of 1903, repealed.

Section XXIII. This Act shall take effect and be in full force from and after its passage and approval by the Governor.

When Act takes effect.

Note by Secretary of State: This bill having remained with the Governor five days and the legislative assembly being in session it has become a law this 25th day of February, 1907.

A. N. YODER, Secretary of State.

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CHAPTER 30.

"An Act Defining the Status of Persons Soliciting Life Insurance."

Be it Enacted by the Legislative Assembly of the State of Montana:

Life insurance solicitor is agent of the company.

Section 1. Any person who shall solicit an application for insurance upon the life of another shall, in any controversy between the assured or his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company and not the agent of the assured.

Repealing Clause.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Feby. 25, 1907.

CHAPTER 31.

"An Act to Prohibit Misrepresentation by Life Insurance Companies."

Be it Enacted by the Legislative Assembly of the State of Montana:

Life Insurance company not to misrepresent terms of policy

Section 1. No life insurance company doing business in this state and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or shares of surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof.

Misdemeanor.

Section 2. Every officer or agent of any such corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Penalty.

Section 3. Every corporation or officer or agent

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thereof which shall violate any of the provisions of this act shall be fined in any sum not exceeding five hundred dollars to be recovered by any action in the name of the state, and on collection to be paid into the county treasury for the benefit of the common school fund.

Disposition of fine.

Section 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing Clause.

Section 5. This act shall take effect and be in force from and after its passage.

When Act takes effect

Approved Feby. 25, 1907.

CHAPTER 32.

"An Act to Amend Section 846 of the Penal Code of the State of Montana:

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 846 of the Penal Code of the State of Montana be amended so as to read as follows:

Penal Code, section 846 amended.

Section 846. Every person who makes, passes, utters, or publishes with intention to defraud any other person, or who, with like intention, attempts to pass, utter or publish, any fictitious bill, note or check, purporting to be the bill, note or check, or other instrument in writing for the payment of money or property of some bank, corporation, co-partnership, government or individual in existence, when in fact there is no such bank, corporation, co-partnership, government, or individual in existence, knowing the bill, note, check or instrument in writing to be fictitious, is punishable by imprisonment in the state prison for not less than one nor more than fourteen years.

Fictitious bill, note or check, making or passing.

Penalty.

Section 2. This Act shall be in full force and effect from and after its passage.

When Act takes effect.

Approved Feby. 25, 1907.

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CHAPTER 33.

"An Act Providing for the Redemption and Payment of County, School District, City and Town Bonds, held by the State, before the maturity thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Bonds of counties, school districts or cities, held by State, may be redeemed before maturity.

Section 1. That the Bonds of any County, School District, City or Town of this State, now held or hereafter acquired by the State, shall be subject to redemption before maturity, whenever such County, School District, City or Town in the State shall have accumulated a sinking fund in the sum of Five Thousand Dollars, ($5,000), or more, for the purpose of paying its bonds.

Minimum amount.

Section 2. The Board of Land Commissioners of this State shall permit any County, School District, City or Town, to redeem its bonds in sums of not less than Five Thousand Dollars ($5,000), before maturity of such bonds, upon giving to the said Board of Land Commissioners, at least three months notice of its intention to redeem and pay such bonds, and upon payment thereof as herein provided, said bonds shall be delivered to such County, School District, City or Town for cancellation.

Notice of intention to redeem.

Repealing Clause.

Section 3. All Acts and parts of Acts inconsistent herewith, are hereby repealed.

When Act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage.

Approved Feby. 25, 1907.

CHAPTER 34.

"An Act to Amend Section 1080 of the Code of Civil Procedure of Montana and to Repeal An Act Approved February 15th, 1901, Relating to Method of Procedure in the Trial of Civil Actions and Review by the Supreme Court of Errors in Instructions.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, Section 1080 amended.

Section 1. That Section 1080 of the Code of Civil Procedure of the State of Montana be and the same is hereby amended so as to read as follows:

Order of trial.

Section 1080. When the jury has been sworn, the trial shall proceed in the following order, unless the Court, for good cause and special reason, otherwise directs:

Opening case.

1. The party on whom rests the burden of the issues may briefly state his case and the evidence by which he expects to sustain it.

Opening case.

2. The adverse party may then, or at the opening of his case, briefly state his defense and the evidence he expects to offer in support of it.

Order of trial.

3. The party on whom rests the burden of the issues must first produce his evidence; the adverse party will then produce his evidence.

Order of trial.

4. The parties will then be confined to rebutting evidence, unless the Court for good reasons, in furtherance of justice, permits them to offer evidence in their original case.

Request for Instructions.

5. When the evidence is concluded, if either party desires special instructions to be given to the jury, such instructions shall be reduced to writing and numbered by the party, or his attorney, and, together with the written request asking the same, and signed by the party or his attorney, delivered to the Court. At all times prior to charging the jury the instructions to be given shall be, without the presence of the jury, settled by the Court, at which settlement counsel for the parties shall be allowed seasonable opportunity to examine the instructions requested and proposed to be given by the Court, and to present and argue to the Court objections and exceptions to the adoption or rejection of any instruction offered by counsel or proposed to be given to the jury by the Court. On such settlement of the instructions the respective counsel, or the parties,

Settlement of Instructions.

shall specify and state the particular ground on which the instruction is objected or excepted to, and it shall not be sufficient in stating the ground of such objection or exception to state generally that the instruction does not state the law, or is against law, but such ground of objection or exception shall specify particularly wherein the instruction is insufficient or does not state the law, or what particular clause therein is objected to.

Objections.

Duty of court.

The Court shall pass upon the objections to the instructions requested and also those proposed to be given by the Court, and shall either give each instruction as requested or positively refuse to do so, or give the instruction requested with a modification, and shall mark or endorse upon each instruction offered and requested by the parties in such manner that it shall distinctly appear what instructions were given in whole or in part, and in like manner those refused or modified, and if modified, wherein the modification consisted. The Court shall also give the instructions, as originally proposed to be given by the Court, or as modified, and all the instructions given by the Court, together with those refused, must be filed as a part of the record of the cause.

Duty of stenographer.

The court stenographer shall be present at such settlement and shall take down all the objections and exceptions of the respective counsel to all or any of the instructions given by the court together with the modifications made therein, and the ruling of the court thereon, and at the close of the trial such objections and exceptions taken during the settlement, together with the ruling of the court thereon, must be written out at length or printed in type by the stenographer and filed with the Clerk forthwith, and thereafter such exceptions may be settled in a bill of exceptions or statement of the case, as provided in Section 1155 or Section 1173 or Section 1176 of the Code of Civil Procedure.

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Errors must be specifically excepted to.

No motion for a new trial on the ground of errors in the instructions given shall be granted by the District Court unless such errors were specifically pointed out and excepted to at the settlement of the instructions, as herein provided; and no cause shall be reversed by the Supreme Court for any error in instructions, which was not specifically pointed out and excepted to at the settlement of the instructions as herein specified, and such error and exception incorporated in and settled in the bill of exceptions or statement of the case as herein provided.

Charging jury.

6. When the instructions have been passed upon and settled by the court, and before the arguments of counsel to the jury have begun, the court shall charge the jury in writing giving in such charge only such instructions as are passed, upon and settled at such settlement. In charging the jury, the court shall give to them all matters of law which it thinks necessary for its information in rendering a verdict.

Argument of counsel.

7. When the jury has been charged, unless the case is submitted to the jury on either side, or on both sides, without argument, the party upon whom rests the burden of proff [proof] must commence and may conclude the argument. If several defendants, having several defenses, appear by different counsel, the court must determine their relative order, in the evidence and argument. Counsel, in arguing the case to the jury, may argue and comment upon the law of the case as given in the instructions of the Court, as well as upon the evidence in the case.

Act of February 15, 1901, repealed.

Section 2. That an Act approved February 15, 1901, entitled, "An Act to Amend Section 1080 of the Code of Civil Procedure of Montana, Relating to Method of Procedure in the Trial of Civil Actions," and all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Repealing clause.

When Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby. 25, 1907.

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CHAPTER 35.

"An Act relating to bills of exceptions and statements of the case, providing that the exceptions of the prevailing party shall be incorporated therein, and providing for review by the Supreme Court on appeal of such exceptions and the orders and rulings relating thereto."

Be it Enacted by the Legislative Assembly of the State of Montana:

Bills of Exception Settlement of

Section 1. That hereafter all District Courts and Judges on settlement and allowance of any bill of exceptions or statement of the case at any stage of the trial of a cause shall upon demand of either party, or, in the discretion of said Court, or Judge, upon its or his own motion, incorporate into such bill of exceptions or statement all rulings, or orders, or proceedings made in the cause against either of the parties, affecting the substantial rights of either, together with the objections and exceptions thereto properly made and reserved, and the same shall be settled and allowed as a part of such bill or statement.

Rulings against either party to be incorporated in.

Rulings against respondent to be considered on appeal.

Section 2. Whenever the record on appeal shall contain a bill of exceptions or statement of the case properly settled, setting forth any order, ruling or proceeding of the trial court against the respondent affecting his substantial rights on the appeal of said cause, together with the objection and exception of such respondent properly made, and reserved, settled and allowed in such bill of exceptions, or statement, the Supreme Court on such appeal shall consider such orders, rulings or proceedings, and the objections and exceptions thereto, and shall reverse or affirm the cause on said appeal according to the substantial rights of the respective parties, as shown upon the record. And no cause shall be reversed upon appeal by reason of any error committed by the trial court against the appellant where the record shows that the same re-

Court non-prejudicial error.

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sult would have been attained had such trial court not committed an error or errors against the respondent.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

When Act takes effect.

Section 4. This Act shall be in effect from and after its passage and approval by the Governor.

Approved Feby. 25, 1907.

CHAPTER 36.

"An Act to Amend Section 637 of the Code of Civil Procedure of the State of Montana, relating to Publication of Summons."

Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, Section 637 amended.

Section 1. That Section 637 of the Code of Civil Procedure of the State of Montana is hereby amended so as to read as follows:

Summons, publication of.

Section 637. When the person on whom the service of a summons is to be made, resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of the summons; or when the defendant is a foreign corporation, having no managing or business agent, cashier, secretary or other officer within the state, and an affidavit stating any of these facts is filed with the clerk of the court in which the action is brought, and such affidavit also states that a cause of action exists against the defendant in respect to whom the service of the summons is to be made, and that he or it is a necessary or proper party to the action, the clerk of the court in which the action is commenced shall cause the service of the summons to be made by publication thereof. The provisions of this section shall apply to all actions and proceedings in which personal service of summons is not required to be made in order to obtain relief, in-

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cluding every action or proceeding commenced in any district court of this state to enforce any legal or equitable lien upon, or claim to, or to remove any incumbrance, or lien, or cloud, upon the title of real or personal property within this state.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved Feby. 25, 1907.

CHAPTER 37.

"An Act to Create and Establish a Board of Railroad Commissioners for the State of Montana; Providing for the Appointment and Election of the Members thereof, and Defining their Powers and Duties, and Providing Remedies for the Enforcement of the Provisions of this Act, and Penalties for the Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Board of Railroad Commissioners created.

Section 1. There is hereby created and established a Board of Railroad Commissioners of the state of Montana, to be known as the "Board of Railroad Commissioners of the State of Montana," said Board to consist of three members who shall be qualified electors of the state. The first Board of Railroad Commissioners shall be composed of the following persons, namely: B. T. Stanton of Gallatin County; Nathan Godfrey of Lewis and Clark County and E. A. Morley of Silver Bow County.

Number of members.

Commissioners named.

Term of office.

The persons named herein as commissioners shall serve until the first Monday of January, 1909, or until their successors are elected and qualified. At the general election to be held in November, 1908, there shall be elected three commissioners for said Board; one for

Election.

a term of two years; one for a term of four years, and one for a term of six years, and until their successors are elected and qualified. Said commissioners when elected will qualify at the time and in the manner provided by law for other state officers, and shall take office on the first Monday of January, next after thier (their?) election. Classification.

Each of said members of said Board so elected shall serve until his successor is elected and qualified. Biennially thereafter, at the general election, one member shall be elected for a period of six years, and until his successor is elected and qualified, to succeed the member of such Board whose term shall expire on the first day of January following. Any vacancy occurring in the Board shall be filled by appointment by the Governor, and such appointee shall hold office until the next general election, and until his successor is elected and qualified. At the biennial election following the occurrence of any vacancy in the Board, there shall be elected one member to fill out the unexpired term for which such vacancy exists. No person in the employ of, or holding any official relations to any railroad or owning any stocks, bonds or other securities of any railroad, or who is, or shall become in any manner pecuniarily interested in any railroad, or in any stocks, bonds or other securities thereof, shall be a member of said Board. Any member of said Board who, after his election or appointment to office, or after his induction into office, shall become an employee of, or holder of any official relation to any railroad, or who shall become an owner or holder of any stocks, bonds or other securities of any railroad, or have or acquire any pecuniary interest in any stocks, bonds or other securities of any railroad, shall forfeit his office, and the Governor shall appoint a successor thereto as herein provided in case of a vacancy in said Board. No Commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest.

Biennial elections.

Term of office.

Vacancies filled by appointment by Governor.

Election to fill vacancy.

Restrictions of Members.

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Oath.

Section 2. Each member of said Board, and each person appointed to office by said Board, before entering upon the duties of his office, shall take and subscribe the oath specified in Section one, Article XIX, of the Constitution of the State of Montana, and such oath shall be filed in the office of the Secretary of State. The members of said Board and the Secretary thereof, shall each give at the same time a bond to the state in the sum of Twenty-five Thousand Dollars, with sureties to be approved by the Governor, conditioned for the faithful discharge of the duties of their respective offices.

Bonds of Commissioners and Secretary.

Office of Board located.

Section 3. The office of the Board shall be in the city of Helena, and said office shall always be open during business hours, legal holidays and non-judicial days excepted. The Board shall hold sessions at least once each month in the city of Helena, and at such other times and such other places within this state as may be expedient. The sessions of the Board shall be public. A majority of the Board shall constitute a quorum for the transaction of all business. The members of the Board of Railroad Commissioners shall have the authority to administer oath and affirmations.

Sessions of Board when and where held.

Quorum.

To administer oaths.

Adopt rules and regulations.

The Board shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges and other acts required of it under the law.

Official seal.

Section 4. The Board shall have a seal, and such seal shall have the following words engraved thereon: "Board of Railroad Commissioners of the State of Montana," and said seal shall be affixed only to: First, writs; second, authentications of a record or other proceeding, or to a copy of a document on file in the office of the said Board. The courts of this state shall take judicial notice of such seal.

Organization of Board.

Section 5. The Board shall, immediately after its

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members have qualified, organize by electing one of its members as chairman, and shall appoint a secretary, who shall possess the same qualifications as members of said Board, to serve during the pleasure of the Board. Said Board shall also have the power to appoint stenographers, inspectors, experts, and other persons whenever deemed expedient or necessary by said Board to the proper performance of its duties.

Salaries.

Section 6. The salary of each commissioner shall be Four Thousand Dollars per annum; the salary of the Secretary shall be Three Thousand Dollars per annum; and the salary of the stenographer employed by the Board shall be fixed and determined by the Board, and shall not exceed the sum of Twelve Hundred Dollars per annum. The salaries of the persons so employed shall be paid as other expenses of the Board are paid. The salaries of the Commissioners and Secretary shall be paid from the State Treasury in equal quarterly payments, payable April 1st, July 1st, October 1st, and January 1st.

How paid.

Free transportation.

Traveling expenses.

Section 7. Said commissioners and the persons in their official employ, when traveling in the performance of their official duties, shall have a right to free transportation, and to have their actual and necessary traveling expenses paid, the amounts to be passed on by the State Board of Examiners and paid as other expenses of the Board. The State shall furnish said Board with suitable offices in the State Capitol Building at Helena, Montana, and provide it with all necessary furniture, stationery and printing, upon requisitions signed by the Chairman of said Board.

Offices, furniture and Stationery.

Incidental expenses allowed.

How paid.

Section 8. Said Board shall also be allowed the sum of One Thousand Dollars per annum for postage, expressage, and other incidental expenses. The accounts for payments authorized by this section shall be paid only when audited by the State Board of Examiners, and the Board shall file, with its vouchers for such payments, a statement, verified by a member of the

Board, showing the names of all persons employed and the purpose for which they were employed, and the work performed by them.

Secretary's duties.

Section 9. The Secretary shall keep a full and complete record of all proceedings of the Board, and be the custodian of its records, and file and preserve at the office of the Board all books, maps, documents and papers entrusted to his care, and be responsible to the Board for the same. He shall perform such other duties as the Board may prescribe.

Service of process.

Section 10. The process issued by said Board shall be under seal and extend to all parts of the state. Said Board shall have power to issue process in like manner as courts of record. Such process may be served by any person authorized to serve of courts of record, or by any person appointed by the Board for such purpose. In the event the process issued by the Board is a subpoena for the attendance of a witness, and he shall have failed, neglected or refused to obey the same, the Board is hereby authorized to file a petition with any District Court in the State, setting up the facts and the necessity of having such witness appear in such trial, and the Court shall thereupon summarily direct that a subpoena be issued out of the Court requiring the attendance of any person or persons as a witness before the Court; and the Board shall thereupon have the power and authority to examine such witness before said Court, under oath, respecting any inquiry or investigation being made by said Board, under and pursuant to the provisions of this Act. The Court shall likewise when any petition is filed stating the necessity therefor order the production by any person or corporation, for examination in said Court, any books, papers, records or files necessary or pertinent to any inquiry or investigation then being made by said Board.

Production of books, papers and records.

Jurisdiction.

Section 11. The provisions of this act shall apply to the transportation of passengers and property be-

tween points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, and shall apply to railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and to any shipments of property made from any point within this state to any other point within this state, whether the transportation of the same shall be wholly within this state, or partly within this state and partly within an adjoining state or states. The term "transportation" shall include all instrumentalities of shipment or carriage. The term "railroad" shall be taken to mean any corporation, company or individual owning or operating any railroad, in whole or in part, in this state. It shall also include express companies and sleeping car companies. The term "Board" in this act shall be taken to mean the Board of Railroad Commissioners of the State of Montana. The provisions of this act shall apply to all persons, firms or companies, incorporated or otherwise, that shall do business as common carriers upon any of the lines of railroad in this state. Definitions.

Section 12. The word "railroad," whenever used in this act shall be held to mean and include railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and all common carriers. Definition.

Section 13. The power and authority is hereby vested in the said Board, and it is hereby made its duty to adopt as soon as practicable after the organization of the Board, all necessary rates, charges and regulations to govern and regulate freight and passenger tariffs, to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different rail roads in this state, and to make the same effective by enforcing the penalties prescribed in this Act. Powers and authority.

The said Board shall have the power, and it shall To classify.

be its duty, to fairly and justly classify and subdivide all freight and merchandise of whatsoever character that may be transported over the railroads of this state, into such general and special classes or subdivisions as may be deemed necessary or expedient.

To fix rates.

The said Board may fix different rates for different railroads and for different lines under the same management, or for different parts of the same lines, if found necessary to do justice, and may make rates for express companies different from the rates fixed for railroads.

Rates and charges.

Said Board shall also have the power, and it shall be its duty, to fix and establish for all or any connecting lines of railroad in this state reasonable joint rates of freight charges for the various classes of freight, and cars that may pass over two or more lines of such railroads. The rates, tolls or charges on any property which shall for any reason remain unclassified by the Board shall not in any event exceed the highest rates fixed for any classification by said Board.

Complaints.

And it shall be within the province of the Board to entertain and hear complaints made by any shipper to the effect that unjust discrimination is being made as against the State of Montana or any point therein in the way of rates for the transportation of freight or passengers from points without the State to points within the State and vice versa; and in proper cases, where it appears that the United States Inter-State Commerce Commission Law has been violated, it is hereby made the duty of said Board to make complaint to the Inter-State Commerce Commission of the United States and to aid such Commission in any investigation it may make concerning violations of the United States Law, by furnishing evidence, and in any other manner which may seem best suited to enforce both the United States and State Law, and to protect the interests of the people.

Violation of Inter-State Commerce Laws.

Notice of schedules to be published.

Section 14. When any schedules shall have been

made or revised, it shall be the duty of said commissioners to cause notice thereof to be published for two successive weeks in some newspaper published in the city of Helena, which notice shall state the date of taking effect of said schedule, and said schedule shall take effect at the time so stated in such notice, and a printed notice of such schedule shall be conspicuously posted by such common carrier in each freight office, and passenger depot upon its lines; provided, that before finally fixing and deciding what the original maximum rates and classifications shall be, it shall be the duty of the railroad commissioners to publish ten days' notice in two daily papers, one of which is published in the city of Helena, setting forth in such notice that at a certain time and place they will proceed to fix and determine such maximum rates and classification; and they shall at such time and place, and as soon as practicable, afford to any person, firm, corporation or common carrier who may desire it, an opportunity to make an explanation or showing or to furnish information to said railroad commissioners on the subject of determining and fixing such maximum rates and classification. All classifications and rates fixed and established by the Board shall become effective twenty days after the railroad affected thereby shall have received certified copies thereof from said Board. Each railroad affected by the provisions of this act shall display in a conspicuous place in each of its stations in this state, a schedule printed in plain legible English type, showing all classifications and rates fixed and established by the said Board.

Posting notice.

Notice of Intention to fix rates.

Hearings.

Schedules when to take effect.

Schedule to be posted in railroad stations.

Any failure or refusal on the part of any railroad to comply with the provisions of this section shall subject such railroad to a penalty of not less than One Hundred Dollars, nor more than Five Hundred Dollars for each day that such failure or neglect is continued.

Failure to comply.

Penalty.

Section 15. The said Board shall have the power

May amend or abolish, rates or classifications.

from time to time to change, alter, amend or abolish any classification or rate established by it when deemed necessary, and such amended, altered or new classifications or rates shall be put into effect in the same manner as original classifications or rates.

Passenger rates.

The said Board shall make and establish reasonable rates for the transportation of passengers over each and all of the railroads subject hereto, and shall prescribe rates, tolls, and charges for all other services performed by any railroad subject hereto. The said Board must, within forty days after the filing with such Board of a complaint by a shipper, or other person interested, proceed to investigate and determine the justness and reasonableness of any classification, rate, charge, toll, regulation or order made by said Board.

Other services.

Investigation of complaints.

Duties, powers and authority.

Section 16. The Board shall have the general supervision of all railroads, express companies, car companies, sleeping car companies, freight and freight line companies, and any common carrier engaged in the transportation of passengers or property in this state. In all matters appertaining to the duty of said Board and within its power and authority under the provisions of Act; and shall investigate any alleged neglect or violation of the laws of the state by any railroad or other company above specified doing business therein or by the officers, agents, or employees thereof. The Board shall also have the power and authority, and it shall be its duty, to examine and inspect, or cause to be examined and inspected, under its authority, all books, records, files and papers of the persons and companies specified above, in so far as the same may be pertinent to any matter under investigation before said Board and to hear and take testimony in the progress of any inquiry or investigation authorized by this act.

Railroad accidents to be investigated.

Section 16A. The said Board or some members thereof, to be deputed by it, shall investigate and make

inquiry into every accident occurring in the operation of any railroad in this state, resulting in death or injury to any person, of such gravity as to require the attention of a physician or surgeon, or in the destruction of property greater in value than Two Thousand Dollars. The testimony taken on any such hearing shall be transcribed and filed in the office of the Board.

Accidents must be reported by railroad company.

Section 17. It is hereby made the duty of every railroad company operating any line of railroad within this state, promptly upon the occurrence or in connection with the operation of its line within the state, of any accident such as is mentioned in the next preceding section, to report the same to the Board of Railroad Commissioners, in which report shall be stated the time and place of the accident, the names of the persons killed or injured, and the value of any property destroyed.

Subpoenas.

Section 18. The said Board in making any examination or investigation provided for in this act, shall have the power to issue subpeonas for the attendance of witnesses, by such rules as they may prescribe. Each witness shall receive the sum of Three Dollars per day, together with the sum of five cents per mile traveled by the nearest practicable route in going to and returning from the place of meeting of said commission. And no witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation. No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing or things, before any court or magistrate, or commissioner or board, upon any investigation, proceeding or trial under the provisions of this Act or for any violation of any of them, upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but

Witnesses, per diem and mileage.

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Exemption of witness from civil or criminal liability.

no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence; and no testimony or evidence so given or produced shall be received against him upon any civil or criminal proceeding, action or investigation.

Train service.

Section 19. The Board shall have the power, and it shall be its duty, to compel any and all railroads subject hereto, to provide, maintain and operate sufficient train service, both freight and passenger for the proper and reasonable accommodation of the public, and to

Proper accommodation for public.

provide and maintain suitable waiting rooms for passengers, and suitable rooms for freight and baggage at all stations.

Attorney General to be counsellor of Board.

Section 20. The Attorney General is hereby constituted the attorney and counselor of said Board, and the county attorney of every county in the state, shall,

County Attorneys to assist.

on the request, and at the direction of the Attorney General, assist in all cases, proceedings and investigations undertaken by said Board under this law, in

Special counsel may be employed.

his own county; provided, that said Board shall have power and authority to employ special counsel, with the consent and approval of the Attorney General to assist in any case, matter, proceeding or investigation instituted under this law.

Duty of Attorney General.

It is hereby made the duty of the Attorney General, upon direction of said Board, and of the County Attorney of each county in this state, upon direction of the Attorney General, to institute and prosecute, and to appear and defend, any action or proceeding arising under the provisions of this law.

Suits to have precedence.

All suits and proceedings filed in any court of this state, under the provisions of this law, shall have precedence over all other business in such court, save and except criminal business and original proceedings in

Fees of additional counsel, how paid.

the Supreme Court. The fees and expenses of addition counsel shall be fixed and determined by the

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State Board of Examiners, and allowed and paid as items of expense the same as other items of expense of said Board of Railroad Commissioners.

Actions to review, in District Court.

Section 21. Actions to review the determination of the Board fixing any classification, rate, toll, charge regulation, or order, or the refusal of said Board to make, fix or establish any classification, rate, toll, charge, regulation or order, shall be commenced in the District Court of the county having jurisdiction thereof by the filing of a complaint, duly verified as provided for the verification of pleadings in civil actions, and notice may be served upon the party defendant, either by summons issued and served as provided for in the Code of Civil Procedure in civil actions, or the Court may issue an order directed to the defendant requiring him to answer the complaint at such time as the court may deem reasonable; provided, however, that such time shall not be less than five days from the time of the service of such order. Upon the appearance of the defendant, he may deny or admit the facts set forth in said complaint, by answer, which shall be verified as the pleadings in other civil actions. If upon the hearing the Court shall find that the rates fixed or the classifications made are unjust and unreasonable, it shall thereupon be the duty of said Board to make new rates or a reclassification, as the case may be. All orders or notices required under the provisions of this section may be issued by the Court, or by the Judge thereof at chambers.

Process.

Answer.

Hearing.

Orders.

Rebates.

Section 22. If any railroad subject hereto, directly or indirectly or by any special rate, rebate, drawback, or other device, shall charge, demand or receive from any person, firm or corporation, a greater or less compensation for any service rendered, or to be rendered, in the transportation of property subject to the provisions of this act, than that fixed by the said Board of Railroad Commissioners for such service, such railroad shall be deemed guilty of extortion, and shall forfeit

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Penalty.

and pay to the state of Montana not less than Five Hundred, nor more than Two Thousand Dollars for each offence; provided, that nothing herein shall be so construed as to prevent any railroad or railroad corporation from giving excursion rates to or from any point within or without the State.

Excursions excepted.

Over charges.

Section 23. If any railroad subject to this act, or its agents or officers, shall hereafter collect, charge, demand or receive from any person, company, firm or corporation, a greater rate, charge or compensation than that fixed and established by the said Board of Railroad Commissioners for the transportation of freight, passengers or cars, or for the use of any car on the line of its railroad, or any line operated by it, or for receiving, forwarding, handling or storing any such freight car, or for any other service performed, or to be performed by it, such railroad and its agents and officers shall be deemed guilty of extortion, and shall forfeit and pay to the state of Montana a sum not less than Five Hundred Dollars. nor more than Two Thousand Dollars.

Penalty.

District Court jurisdiction.

Section 24. The District Court shall have jurisdiction to enforce by proper decree, injunction or order, the rates, classifications, rulings, orders and regulations made or established by the commission. The proceeding therefor shall be by equitable action in the name of the state, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Board that any railroad is violating or refusing to comply with any rule, order, rate, classification or regulation made by the commission and applicable to such railroad. Such proceedings shall have the precedence over all other business in such courts, except criminal business. In any action the burden of proof shall rest upon the defendant, who must show by clear and satisfactory evidence that the rule, order, regulation rate or classification involved is unreasonable and unjust as to them. If in such

Proceedings.

Precedence.

Burden of proof.

action, it be the decision of the Court that the rule, regulation, order, rate, or classification is not so unreasonable or unjust, and that in refusing compliance therewith the railroad is thereby failing or omitting the performance of any duty, debt or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to, and compliance with the rule, regulation order, rate or classification by the defendant, and its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant and officer, agent, servant or servants or employee of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punishable by a fine not exceeding One Thousand Dollars for each offense, or by imprisonment of the person guilty of contempt until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation, order, rate or classification shall be modified or vacated by the Board. Provided, however, that nothing herein contained shall be construed to deprive either party to such proceedings of the right to trial by jury, as provided by the seventh amendment to the Constitution of the United States, or as provided by the Constitution of this state. An appeal shall lie to the Supreme Court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Decree.

Violation of decree contempt.

Penalty.

Jury trial.

Appeal.

Section 25. Appeals may be taken to the Supreme Court from the judgment of any District Court in any action brought under the provisions of this act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such Court, and shall be heard and determined as are appeals in civil actions.

Appeals, precedence of.

Section 26. Any sum or amount of money paid to

Recovery of excess payments.

any railroad by any person or shipper in excess of the rates, tolls, or charges fixed and established by the Board for such service, may be recovered from such railroad by the person or shipper in any action instituted and maintained in the District Court of the county in which such payment was made, provided such action shall be brought within twelve months from the date of such payment. No contract or agreement, written or otherwise, between such person or shipper and the said railroad, shall be admissible in evidence for the purpose of showing a waiver of the right given by this section. No voluntary payment by any person or shipper of any such excess or overcharge to any railroad shall be, or held to be a waiver on the part of such person or shipper of the right to sue and recover for such excess or overcharge, as provided for in this section. If, upon the trial of such action, it shall satisfactorily appear to the court or jury that such overcharge was wilfully made, the person or shipper bringing the said action shall be awarded damages in treble the amount of such excess or overcharge, together with the costs and expenses of such action, including a reasonable attorney's fee, to be taxed and collected as other costs in the action.

Limitation.

What not waiver.

Damages.

Action by railroad.

Section 27. Any railroad may bring an action in the District Court of the county where the principal office or place of business is situated, or in any county where any such classification, rate, toll, charge, regulation or order of the Board is applicable, against the said Board as defendant, to determine whether or not any such classification, rate, toll, charge, regulation or order made, fixed or established by the Board under the provisions of this act is just and reasonable; provided, that until the final decision in any such action the classification, rate, toll, charge, regulation or order of the Board affecting rates or charges shall be deemed to be final and conclusive; and provided, further, that in any action, hearing or pro-

Proviso.

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ceeding in any court, the classification, rate, tolls, charges, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. All costs and expenses incurred in the hearing, trial or appeal of any action brought under this section, shall be fixed and assessed as by the court may seem just and equitable. Costs.

Section 28. Any shipper, or other person interested, may bring an action in the District Court of the County where the principal office or place of business of such railroad is situated, or in any county where any classification, rate, toll, charge, regulation or order of the Board is applicable, against the said Board of Railroad Commissioners as defendant, to determine whether or not any such classification, rate, toll, charge, regulation or order made, fixed or established by the Board under the provisions of this act is just and reasonable; provided, that until the final decision in any such action, the classification, rate, toll, charge, regulation or order of the Board affecting rates or charges shall be deemed to be final and conclusive: except as herein otherwise provided; and provided, further, that in any action, hearing or proceeding in any court, the classifications, rates, tolls, charges, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. Costs shall be awarded in all actions brought under the provisions of this section as in other civil causes. Action by shipper. Proviso. Costs.

Section 29. If any railroad shall wilfully violate any provision of this act, or shall do any other act herein prohibited, or shall refuse to perform any and all lawful orders emanating from said railroad commission relating to rates and charges, or any other duty enjoined upon it, for which a penalty has not herein been provided, for every such act of violation it shall pay to the state of Montana a penalty of not more than Five Hundred Dollars. Violation of Act. Penalty.

Disposition of penalties.

Section 30. All penalties and forfeitures incurred, levied and made under the provisions of this act, shall be collected by said Board of Railroad Commissioners and paid over to the State Treasurer and credited to the General Fund; provided, however, that should the said Board fail or refuse to institute appropriate action for the recovery of any penalty or forfeiture provided for herein, for the space of sixty days after notice of the cause of complaint by such person or shipper aggrieved, such person or shipper may institute and prosecute such action in the name of the state against such railroad, in the same manner as could the said Board.

Proviso.

Action in name of State.

Soliciting or receiving favors, gifts or gratuities prohibited.

Section 31. No railroad commissioner, nor the said secretary shall, directly or indirectly, solicit or request from, or recommend to any railroad corporation, or any officer, attorney or agent thereof, the appointment of any person to any place or position. Nor shall any railroad corporation, its attorney or agent, offer any place, appointment or position or other consideration to such commissioners or either of them, nor to any clerks or employees of the commission or of the Board, neither shall the commissioners or either of them, nor their secretary, clerks, agents, employees or experts, accept, receive or request any pass from any railroad in this state, for themselves or for any other person, except as herein otherwise provided, or any present, gift or gratuity of any kind from any railroad corporation, and the request or acceptance by them, or either of them, except as herein specified, of any such place or position, pass, presents, gifts or other gratuity, shall work a forfeit of the office of the commissioner or commissioners, secretary, clerk or clerks, agent or agents, and employee or employees, expert or experts, requesting or accepting the same. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more

Misdemeanor.

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than Five Hundred Dollars, or imprisonment not more more than six months, or by both such fine and imprisonment. Penalty.

Section 32. The Board shall require verified annual reports from each and every railroad owning, operating or having any line of railroad in this State, prescribe the manner in which such reports shall be made, and may require specific answers to all questions upon which the Board may desire information. It shall be the duty of the president or other officer in charge of such railroad to make such report and answers to the Board. The Board may, at such other times as it may deem necessary, require such other information, statements or reports, as may be deemed necessary, and fix the time for filing of the same. Any railroad failing or refusing to make or file such annual report, or failing or refusing to furnish such additional information, statements or reports, as may be demanded by the Board, shall forfeit the sum of Five Hundred Dollars for each day that such refusal or neglect shall be continued. Annual reports by railroads. Statements or reports deemed necessary. Failure to furnish. Penalty.

Section 33. Said Board shall make and submit to the Governor annual reports containing a full and complete account of the transaction of their office, together with such facts, suggestions and recommendations as may be by them deemed necessary, which report shall be published as the reports of other departments of the state. The said report shall contain a statement as to the number of accidents investigated by the Board, as herein provided, and the number of persons killed or injured in them, and generally the causes of such accidents. Annual report of Board to Governor. What to contain.

Section 34. It is hereby made the duty of such Board to see that the provisions of this act and all laws of this state concerning railroads are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefor recovered and collected. And said Board shall report Duty of Board to enforce and prosecute.

Violations to be reported to proper law officers.

all such violations, with the facts in their possession, to the Attorney General or other officer charged with the enforcement of the laws, and request him to institute the proper proceedings; and all suits between the state and any railroad shall have precedence in all courts over all civil causes, original proceedings in the Supreme Court excepted. If any commissioner shall fail to perform his duties as provided for in this act, he may be removed from office as provided for by Title II, Chapter II, Part II, of the Penal Code, and upon complaint made and good cause shown, the Governor is authorized to suspend any commissioner or commissioners, and if in his judgment, the extingencies [exigencies?] of the case require, the Governor is authorized to appoint temporarily some competent person or persons to perform the duties of such suspended commissioner or commissioners during the period of such suspension.

Failure of Commissioner to perform duties.

Governor may suspend and make temporary appointment.

Right of action not released or waived.

Section 35. This act shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen, or may hereafter arise, under any law of this state, and all penalties accruing under this act shall be cumulative to each other, and a suit for or recovery of one, shall not be a bar to the recovery of any other penalty.

Appropriation.

Section 36. The sum of $50,000.00, or so much thereof as may be needed, is hereby appropriated from moneys not otherwise appropriated, for the years 1907 and 1908 for the purpose of carrying into effect the provisions of this act.

Repealing clause.

Section 37. All acts and parts of acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 38. This act shall take effect and be in full force from and after its passage and approval by the Governor.

(Note by Secretary of State)

This bill having remained with the Governor five days and the Legislative Assembly being in session, it has become a law this 26th day of February, 1907.

A. N. YODER,
Secretary of State.

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CHAPTER 38.

"An Act to add to Chapter IV. Title V. Part 2, Code of Civil Procedure, a Section to be known as Section 644, providing the time within which returns on summons and other processes and orders must be made and filed after service."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That a new Section be added to the Code of Civil Procedure of Montana, to be known as Section 644 thereof, and to read as follows:

Code of Civil Procedure, Section 644.

Section 644. It shall be the duty of the Sheriff or other person serving a summons, or other process or order required by any of the provisions of this Code, issued out of any of the district courts of this State, to make due and legal return of such service and file the same with the Clerk of the Court in which such action or proceeding is pending not more than ten days after the making of such service where the same was made in the County in which such action or proceeding is pending, and not more than fifteen days after the making of such service when the same was made outside of the County in which such action or proceeding is pending. Any failure to make and file such return as required, may be punished as a contempt of Court.

Service of summons, time of return.

Failure to make return, contempt.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved Feby. 26, 1907.

CHAPTER 39.

"An Act Relating to the Provisions of Life Insurance Policies."

Be it Enacted by the Legislative Assembly of the State of Montana:

Life Insurance policies to contain entire contract.

Section 1. Every policy of insurance issued or

delivered within this State on or after the first day of January, Nineteen Hundred and Eight by any life insurance corporation doing business within the State shall contain the entire contract between the parties.

Repealing clause.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this act are hereby repealed.

When Act takes effect.

Section 3. This act shall take effect and be in force from and after its passage.

Approved Feby. 26, 1907.

CHAPTER 40.

"An Act to provide for the support of the Government of the State of Montana for the years 1907 and 1908.

Be it Enacted by the Legislative Assembly of the State of Montana:

Tax levy for state purposes for year 1907.

Section 1. There is hereby levied for state purposes upon all the property of the State liable to taxation for the year of 1907 an advalorem tax of two and one-half mills (2½) one [on?] each dollar of the valuation of such property.

For year 1908.

Section 2. There is hereby levied for state purposes upon all the property of the State liable to taxation for the year 1908 an advalorem tax of two and one-half mills (2½) on each dollar of the valuation of such property.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When Act takes effect.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 26, 1907.

CHAPTER 41.

"An Act to amend Section 1172 of the Code of Civil Procedure of Montana, to amend Section 1173 of the Code of Civil Procedure of Montana, as amended by an act of the Ninth Legislative Assembly entitled "An Act to amend Sections 1152 and 1173 of the Code of Civil Proceedure (Procedure?) of Montana," Approved March 4, 1905; and to amend Sections 1174 and 1176 of the Code of Civil Procedure of Montana; relating to practice on motions for new trial."

Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, Section 1172 amended.

Section 1. That Section 1172 of the Code of Civil Proceedure of the State of Montana is hereby amended so as to read as follows:

Motion for new trial, how made.

Section 1172. When the application is made for a cause mentioned in the third or fourth subdivision of the last section, it must be made upon affidavits; for a cause mentioned in the first or second subdivision it may be made upon a bill of exceptions or upon affidavits, or upon both; for any other cause it may be made, at the option of the moving party either upon the minuets [minutes?] of the court or upon a bill of exceptions.

Code of Civil Procedure, amended

Section 1173. amended.

Section 2. That Section 1173 of the Code of Civil Proceedure of the State of Montana, as amended by an Act entitled "An Act to Amend Sections 1152 and 1173 of the Code of Civil Proceedure of Montana," Approved March 4, 1905, is hereby amended so as to read as follows:

Notice of intention to move.

Time of service.

Grounds.

Affidavits.

Section 1173. The party intending to move for a new trial must, within ten days after receiving notice of the entry of the judgment, serve upon the adverse party and file with the clerk a notice of his intention, designating the grounds upon which the motion will be made, and wheather [whether?] the same will be made upon affidavits, or the minuets of the court, or a bill of exceptions.

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Time for filing and serving.

If the motion is to be made upon affidavits, the moving party must, within ten days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow, serve a copy of the affidavits upon the adverse party and file the affidavits with the clerk, and the adverse party shall have ten days, or such further time as he may be allowed, to file counter-affidavits, a copy of which must be served upon the moving party.

Settlement of Bill of Exceptions.

If the motion is to be made upon a bill of exceptions, and no bill has already been settled as hereinbefore provided, the moving party shall have the same time after service of the notice to prepare and obtain a settlement of a bill of exceptions as is provided after the entry of the judgment, or after receiving notice of such entry, by section eleven hundred and fifty-five, and the bill shall be prepared and settled in a similar manner. If a bill of exceptions has been already settled and filed, when the notice of intention is given, such bill may be used on the motion.

Code of Civil Procedure, Section 1174 amended.

Section 3. That Section 1174 of the Code of Civil Proceedure of Montana is hereby amended so as to read as follows:

Hearing of Motion for New Trial.

Section 1174. The application for a new trial must be heard at the earliest practicable period after notice of the motion, if the motion is to be heard upon the minuets of the court, and in other cases after the affidavits or bills of exceptions, as the case may be, are filed, and may be brought to a hearing upon motion of either party. On such hearing reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minuets, reference may be also had to any depositions and documentary evidence offered at the trial, and to the proceedings on the trial.

Code of Civil Procedure, Section 1176 amended.

Section 4. That Section 1176 of the Code of Civil Proceedure of Montana is hereby amended so as to read as follows:

Record on Appeal, what constitutes.

Section 1176. The judgment-roll, or such parts thereof as may be necessary to be considered on the appeal, and the affidavits, or bill of exceptions, used on the hearing, together with the papers designated in Section 1738, constitute the record to be used on appeal from an order granting or refusing a new trial, unless the motion is made on the minuets of the court, and in that case the judgment-roll, or such parts thereof as may be necessary to the consideration of the appeal, and a statement of the case to be subsequently prepared, together with the papers designated in Section 1738, constitute the record on appeal. Such subsequent statement of the case must be proposed by the party appealing, or intending to appeal, within ten days after notice of the entry of the order, or such further time as the court, or a judge thereof, may allow, and such statement, or a copy thereof, shall be served upon the adverse party, who shall have ten days thereafter, or such further time as the court or a judge thereof, may allow, to prepare and serve amendments thereto upon the party appealing or intending to appeal; and thereafter proceedings shall be had, and within like periods, for the settlement of the statement, as is provided by Section 1173 with regard to bills of exceptions.

Statement of the case.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section 6. This Act shall take effect and be in force on and after April 1, 1907.

Approved Feby. 26, 1907.

CHAPTER 42.

"An Act to amend sections 1736, 1738 and 1739 of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, Section 1736 amended.

Section 1. That Section 1736 of the Code of Civil Procedure of the State of Montana is hereby amended so as to read as follows:

Record on appeal from final judgment.

Section 1736. On an appeal from a final judgment, the appellant must furnish the court with a copy of the notice of appeal, of the judgment-roll or of such parts thereof as may be necessary to be considered on the appeal, and of any bill of exceptions upon which the appellant relies. Any statement of the case settled after the decision of the motion for a new trial, when the motion is made upon the minutes [minutes?] of the court, as provided for in section 1173, or any bill of exceptions settled as provided for in section 1154 or in section 1155, or used on the motion of a new trial, may be used on appeal from a final judgment equally as upon appeal from the order granting or refusing a new trial.

Code of Civil Procedure, Section 1738 amended.

Section 2. That Section 1738 of the Code of Civil Procedure of the State of Montana, is hereby amended so as to read as follows:

Record of appeal from new trial order.

Section 1738. On an appeal from an order granting or refusing a new trial, the appellant must furnish the court with a copy of the notice of appeal, a copy of the notice of intention to move for a new trial, a copy of the order appealed from, a copy of the papers designated in section 1176.

Code of Civil Procedure, Section 1739 amended.

Section 3. That Section 1739 of the Code of Civil Procedure of Montana is hereby amended so as to read as follows:

Certificates.

Section 1739. The copies provided for in the last three sections must be certified to be correct by the clerk or attorneys, and must be accompanied with a certificate of the clerk or attorneys that in undertaking on appeal, in due form, has been properly filed, or that a deposit has been made as provided for in section 1732, or the stipulation of the party waiving

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an undertaking or deposit. The appellant may present to the Supreme Court or any justice thereof a copy of the record from which are omitted those parts thereof which appellant believes to be immaterial to any question arising on the appeal; and thereupon, if it shall appear, prima facie, that the parts omitted are so immaterial, the court or justice shall make an order allowing such abbreviated record to be served and filed as the transcript on appeal, and directing the clerk of the district court to certify to such transcript, which order shall save to the respondent the right to suggest a diminution of the record in case he can show that without the parts omitted the appeal cannot be fairly and fully heard and determined. The certificate of the clerk of the district court shall refer to such order of the Supreme Court or justice.

Abbreviated record.

Section 4. That all Act and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 5. This Act shall take effect and be in force on and after April 1, 1907.

When Act takes effect.

Approved Feby. 26, 1907.

CHAPTER 43.

An Act, entitled: "An Act to prevent the obstruction, blockading or interfering with the free use of public highways where the said highways cross any railroad track outside of incorporated cities and towns within the State of Montana, and providing a penalty therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I. That it shall hereafter be unlawful for any corporation, association or company, to willfully obstruct, blockade, interfere with or prevent the free use of any public highway within the State of Montana, where such highway crosses any railroad track

Public highways, obstruction of by railroads, prohibited.

Use of crossings, time limit.

outside of incorporated cities and towns, by stopping any railroad train, car, engine or locomotive fore [for?] more than fiften [fifteen?] minutes at any one time, or by placing, depositing or leaving any article or thing, whatsoever, on any railroad track at the point where any public highway crosses such track outside of incorporated cities and towns, and any corporation, association or company, so obstructing, blockading or interfering with the free use of any such highway, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty five ($25.00) dollars, nor more than one hundred ($100.00) dollars.

Misdemeanor.

Penalty.

Existing laws not repealed.

This Act shall not be construed as repealing any existing laws prohibiting encroachments upon, or obstruction of, public highways.

When Act takes effect.

Section II. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 26, 1907.

CHAPTER 44.

An Act to amend Section 4632, Part IV, Title II, of the Political Code, of the State of Montana, relating to fees of Notaries Public.

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 4632, Part IV, Title II, amended.

Section I. That Section 4632, Part IV, Title II, of the Political Code of the State of Montana, be, and the same is hereby amended to read, as follows:

Notaries Public fees.

Protests.

Section 4632. For drawing, copying and recording each and every protest for the non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, order, draft or check, One Dollar.

Notice of Non-payment.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or

non-acceptance of a bill of exchange, order, draft or check, Twenty Five Cents.

Affidavits, depositions.

For drawing an affidavit, deposition, or other paper for which provision is not herein made, for each folio, unless otherwise prescribed, Twenty Cents.

Acknowledgments.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, One Dollar.

For each additional signature, Fifty Cents.

Oaths or affirmations.

For administering an oath or affirmation, Twenty-Five Cents.

Certificates.

For certifying an affidavit, with or without seal, including oath, Fifty Cents.

Maximum fee.

Provided, the maximum fee that can be computed or charged for drawing, copying and recording a protest and for drawing and serving the notices of non-payment or non-acceptance, shall be Two Dollars and Fifty Cents.

Repealing clause.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section III. This Act shall take effect and be in force on and after its passage and approval.

Approved Feby. 26, 1907.

CHAPTER 45.

An Act, entitled: "An Act to amend Section 552 of Article XIV of Chapter III, of Title I, of Part III, of the Political Code of the State of Montana, relating to the Inspector of Boilers."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 552 amended.

Section I. That Section 552 of the Political Code be, and the same is hereby amended, so as to read as follows:

Assistant Inspectors of Boilers.

Section 552. There shall be two assistant Inspect-

Qualifications.

ors of Boilers, each of whom shall be called Assistant Inspector of Boilers. Such Assistant Inspectors must be persons who have had at least four years practical experience in the operation of steam engines and boilers, and must be persons of temperate habits and good character and qualified to perform the duties of their office. They shall be appointed by the Governor, by and with the advice and consent of the Senate, and be subject to removal at the will of the Governor. The salary of each Assistant Inspector shall be eighteen hundred ($1800.00) dollars per year. Each Assistant Inspector must execute an official bond in the sum of twenty-five hundred ($2500.00) dollars.

Appointed by Governor.

Salary.

Bond.

Clerk,

Duties.

Salary.

Bond.

There shall be a clerk to the State Boiler Inspector to be appointed by him, who shall also when not engaged in duties as clerk of the State Boiler Inspector's office, perform such duties as clerk of the State Quartz Mine Inspector and State Coal Mine Inspector's office, as those offices may require. The salary of the Clerk to the Boiler Inspector shall be fifteen hundred ($1500.00) dollars per year, and the clerk must execute an official bond in the sum of Two thousand ($2000.00) dollars.

Repealing clause.

Section II. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section III. This Act shall take effect and be in force from and after its passage and approval.

Approved Feby. 26, 1907.

CHAPTER 46

"An Act to Amend Section 3162 of the Code of Civil Procedure as the same was amended by an Act of the Fifth Legislative Assembly of the State of Montana approved February 19th, 1897, relating to witnesses."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, amended.

Section 3162 amended.

Section 1. That Section 3162 of the Code of Civil Procedure as the same was amended by the Fifth Legislative Assembly of the State of Montana, approved February 19, 1897, be amended to read as follows:

Witnesses, qualifications.

Section 3162. The following persons cannot be witnesses:—

1. Those who are of unsound mind at the time of their production for examionation [examination?].

2. Children under ten years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

3. Parties or assignors of parties to an action or proceeding or persons in whose behalf an action or proceeding is prosecuted, against an executor or administrator, upon a claim or demand against the estate of a deceased person, as to any matter of fact occuring [occurring] before the death of such deceased person.

When Act takes effect.

Section 2. This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Feby. 27, 1907.

CHAPTER 47

"An Act creating a County Board of Educational Examiners, providing for their appointment, fixing their compensation, and prescribing their qualifications and duties."

Be it Enacted by the Legislative Assembly of the State of Montana:

Educational Examiners.

Board of, Members of.

Section 1. That in each county there shall be a board of county examiners composed of the County Superintendent of Schools who shall be ex-officio

chairman of the Board, and two competent persons to be appointed by the Board of County Commissioners, who at the time of their appointment shall be residents of the county and shall have been actively engaged in teaching for a period of at least eighteen months. Two members of this Board shall constitute a quorum for the transaction of business. Those first to be appointed shall serve for one and two years respectively from the first day of April 1907 and until their successors are duly appointed and qualified. If vacancies occur in these positions during the terms for which their incumbents were appointed, their successors shall be appointed to serve during their unexpired terms only. Upon the expiration of the regular terms of either of these examiners his successor shall be appointed to serve for two years.

Quorum.

Term of office and classification.

Vacancies.

Successors.

Compensation.

Section 2. The compensation of these examiners shall be their actual traveling expenses from their residenses [residences] to and from the county seat or other point in the county where the examinations are held, and such further compensation per diem as the Board of County Commissioners may deem just and sufficient for their services, basing such compensation upon the actual quantity of work performed by them and the actual time required to perform it.

Qualifications.

Section 3. Such examiners at the time of their appointment must be holders of Montana professional county certificates, or State Certificates, of Life Diplomas, or diplomas from the State University, State Normal College, or State College of Agriculture and Mechanic Arts, or holders of diplomas as graduates from some reputable University, College, or Normal School other than those of Montana. These examiners shall qualify for their positions in the same form and manner required for the qualifications of all County Superintendents.

Duties and powers.

Section 4. The duties of these two examiners shall be to act jointly and equally with the County Super-

intendent in the matter of conducting the examination of teachers and in the marking and grading of papers submitted by them as the results of the examination. This Board of Examiners shall also conduct all Eighth Grade Examinations in their respective counties when requested to do so by the State Board of Education to conform with their rules and regulations, and it shall be empowered to grant Eighth Grade diplomas or common school certificates to all examinees successfully passing such examination.

Repealing clause.

Section 5. All Acts, or parts of Acts in conflict with this Act, are hereby repealed.

When Act takes effect.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 27, 1907.

CHAPTER 48.

"An Act to Amend Section 4807 of the Political Code, Relating to the Contracts of Municipal Corporations."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 4807 amended.

Section 1. That Section 4807 of the Political Code be amended so as to read as follows:

Municipal contracts, over $250, how let.

Section 4807. All contracts for work, or for supplies, or material, for which must be paid a sum exceeding Two Hundred and Fifty (250) Dollars, must be let to the lowest, responsible bidder, under such regulations as the council may prescribe;

Proviso.

Provided that no contract shall be let, extending over a period of three years, or more, without first submitting the question to a vote of the resident tax payers of said city or town.

When Act takes effect.

Section 2. That this Act shall be in force from and after its passage and approval.

Approved Feby. 27, 1907.

CHAPTER 49.

An Act, entitled: "An Act to validate the official Acts of Notaries Public within the State of Montana, which Acts have been performed since the 15th. Day of February, 1895."

Be it Enacted by the Legislative Assembly of the State of Montana:

Notaries Public. acts of legalized.

Section I. The official acts of every person acting as a Notary Public within the State of Montana, heretofore commissioned as such, which acts have been performed since the 15th day of February, 1895, and up to and including the date of the passage of this Act, so far as such Acts might be affected, impaired or questioned by reason of change of residence made after appointment, misnomer or mispelling of name or other error made in the appointment or commission of such Notary, neglect to take the prescribed oath of office, failure of the Notary to place his seal upon any instrument, the minority of such person, or the expiration of his term of office, are hereby legalized and confirmed and made effectual and valid.

When Act takes effect.

Section II. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Note by Secretary of State: This bill having remained with the Governor five days and the Legislative Assembly being in session it has become a law this 27th day of February, 1907.

A. N. YODER, Secretary of State.

CHAPTER 50.

An Act, entitled: "An Act relating to the selection of indemnity school lands and lands granted to all of the State institutions of learning, and for public buildings in Montana."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Indemnity school and state grant land, selections.

Section I. That no further selections of any indemnity school land or of any land for any of the state institutions of learning, or for public buildings, shall be made in any county in which the state has already selected one hundred thousand (100,000) acres, or more, of land in the aggregate for such purposes.

Repealing clause.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

Note by Secretary of State: This bill having remained with the Governor five days and the Legislative Assembly being in session it has become a law this 27th day of February, 1907.

A. N. YODER, Secretary of State.

CHAPTER 51.

An Act, entitled: "An Act to amend Section 1940A and 1940B of the Political Code of Montana, as enacted by the Fifth Legislative Assembly of the State of Montana through Senate Bill No. 44, approved March 8, 1897, and as amended by House Bill No. 191, Session Laws of 1901, approved March 9, 1901," relating to the levy of taxes for support of Common Schools.

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, amended, Section 1940A, amended.

Section I. That Section 1940A of the Political Code of Montana, as enacted by the Fifth Legislative Assembly through Senate Bill No. 44, approved March 8, 1897, and as amended by House Bill No. 191, Session Laws of 1901, approved March 9, 1901, be, and the same is hereby amended, as follows:

Common school levy.

Section 1940A. In addition to the provisions for the support of common schools, hereinbefore provided, it shall be the duty of the county commissioners of

Amount. each county in the state to levy an annual tax of four mills on the dollar of the assessed value of all taxable property, real and personal, within the county, which

How made. levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected. For the fur-

Fines part of school fund. ther support of the common schools, there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from all fines or violations of law, unless otherwise specified by law. Such money shall be forthwith paid into the county treasury by the officer receiving the same, and be added to the yearly school fund raised by taxing each county and dividing in the same manner.

Political Code, amended, Section 1940 B, amended. Section II. That Section 1940B of the Political Code of Montana, as enacted by the Fifth Legislative Assembly through Senate Bill No. 44, approved March 8, 1897, and as amended by House Bill No. 191, Session Laws of 1901, approved March 9, 1901, be, and the same is hereby amended so as to read as follows:

Special school levy, made on certificate of school board. Section 1940B. On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each school district shall certify to the county commissioners the number of mills per dollar which it is necessary to levy on the taxable property of the

Not to exceed ten mills. district, not to exceed ten mills, to raise a special fund to maintain the schools of said districts, to furnish additional school facilities therefor, and to furnish such appliances and apparatus as may be needed, and, in districts of the first and second class, the trustees

School term in 1st and 2d class districts. thereof must make such special levy, or so much thereof as may be necessary to maintain a school term of at least nine months in each year, and the county commissioners shall cause the same to be levied at the same time that other taxes are levied, and the amount

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of such special tax shall be assessed to each taxpayer of such district, and shall be placed in a separate column of the tax book, which shall be headed "Special School Tax."

Special taxes credited and subject to order of district board.

There shall also be a column in said tax book, which shall be designated the number of the school district in which the property is listed. This tax, when collected, shall be placed to the credit of the proper district, and shall be subject to the order of the district board.

Repealing clause.

Section III. All Act and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When Act takes effect.

Section IV. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feby. 27, 1907.

CHAPTER 52.

"An Act for the better protection of employes, and for preventing superintendents, foremen, assistants, bosses, or any other person from receiving or soliciting any sum of money or other valuable consideration for, or on account of employing, or continuing to employ any person, or promising, or agreeing so to do, and providing penalties for violations of this Act."

Be it Enacted by the Legislative Assembly of the State of Montana:

Soliciting or receiving money or valuables from employees.

Section 1. That any superintendent, foreman, assistant, boss, or any other person, or persons, who shall receive, or solicit, or cause to be received or solicited, any sum of money or other valuable consideration, from any person for or on account of the employment, or the continuing of the employment of such person, or of any one else, or for, or on account of any promise, or agreement, to employ or to continue to employ, any

Misdemeanor.

such person, or any one else, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand (1000) dollars, or undergo an imprisonment in the county jail of not more than one (1) year, or both, at the discretion of the court.

Penalty. Exemption of witnesses from civil or criminal liability.

Section 2. No person shall be excused from attending or testifying, or producing any books, papers, documents, or any thing, or things before any court, or magistrate upon any investigation, proceeding, or trial, for a violation of any of the provisions of this Act, upon the ground, or for the reason that the testimony, or evidence, documentary, or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty, or forfeiture; but no person shall be prosecuted or subjected to any penalty, or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence of documentary, or otherwise; and no testimony or evidence so given, or produced shall be received against him in any civil or criminal proceeding, action or investigation.

When Act takes effect.

Section 3. This Act shall be in effect, on and after its passage and approval.

Approved Feby. 28, 1907.

CHAPTER 53.

"An Act to Amend Section 2505 and 2506 of the Civil Code of the State of Montana, relating to Hotels, Inns and Lodging Houses and providing a better protection of, the Guests and employees thereof from Fire."

Be it Enacted by the Legislative Assembly of the State of Montana:

Code of Civil Procedure, Section 2505 amended.

Section 1. That Section 2505 of the Civil Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

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Fire escapes maintained in hotel and lodging houses.

Section 2505. Every owner, lessee, proprietor or manager of a hotel, inn or lodging house situated in the State of Montana, shall place or cause to be placed and maintained, or cause to be maintained, a rope or better appliance, to be used as a fire escape, in each and every room of such hotel, inn or lodging house used as a lodging room, except the rooms on the ground floor, which rope or other better appliance shall be securely fastened within the room to a suitable iron hook or ring, which rope shall be at all times kept coiled up and exposed to plain view of any occupant of said room, the coil to be fastened in such manner as to be easily and quickly loosened and uncoiled, and such rope shall be of sufficient length to reach from the window of such room to the ground, and, with its fastenings, shall be of sufficient strength to sustain a weight of four hundred pounds.

Notice posted in rooms.

It shall also be the duty of every such owner, lessee, proprietor or manager to post, or cause to be posted and maintained in a conspicuous place in each lodging room, and each hall of such hotel inn or lodging house, except the rooms and hall on the ground floor thereof, a printed notice to the effect that such rope or better appliance is so placed in every such room thereof for use in case of fire, and giving full instructions for such use.

Code of Civil Procedure, Section 2506 amended.

Section 2. That Section 2506 of the Civil Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Fire marshal to inspect hotel rooms in cities.

Section 2506. It shall be the duty of the fire marshal, or the chief officer of the fire department of every city and town in this state in the months of July and January of each and every year, and at such other times as the said officer may deem neecssary, to inspect, or cause to be inspected by some person from said Fire Department, to be deputized by him for that purpose, every guest's room of every hotel inn or lodging house in the city or town in which he is per-

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forming the duties of such officer, and ascertain whether the provisions of Section 2505 of this Code have been complied with. It shall be the duty of the Sheriff of each County in this State in the months of July and January of each and every year, and such other times as the said Sheriff shall deem necessary to inspect or cause to be inspected by some person from his department to be deputized by him for that purpose, every lodging room of every hotel inn or lodging house in his county and situated outside the corporate limits of any city or town, and ascertain whether the provisions of Section 2505 of the Civil Code of the State of Montana have been complied with.

Sheriff to inspect hotel rooms in County.

Any owner, lessee, proprietor, manager or other person who shall obstruct or prevent such officer or person from making a free inspection of such room, provided for as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars, or imprisoned for a term not exceeding three months, in the discretion of the court.

Obstructing officer in duty.

Misdemanor.

Penalty.

It shall be the duty of every Sheriff and of every other officer making such inspection on or before the fifteenth day of August and February of each and every year, to make and file a written report to the County Attorney of his county, showing what hotels inns and lodging houses he has so inspected, and specifying which of them have not fully complied with the provisions of this Act, and to what extent and in what respects they have not so complied. Such County Attorney shall thereupon and within ten days after such report is so rendered to him, file or cause to be filed, before any court or magistrate having jurisdiction of crimes of the grade of misdemeanor, a complaint charging such owner, proprietor, lessee or manager. or other person maintaining such hotel inn, or lodging house with a violation of Section 2505 of the Civil Code of the State of Montana, and shall procure a warrant and

Report of inspection.

County Attorney to file complaint of violations.

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cause to be arrested every person so found violating the provisions of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor. When Act takes effect.

Approved Feby. 28, 1907.

CHAPTER 54.

"An Act to regulate the size and manner of construction of all caboose cars used by any person, corporation or company, within the State of Montana, and providing a penalty for the violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be unlawful for any person, corporation or company operating any railroad or railway in this state to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable water closets, cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two, four wheel trucks; Caboose cars, manner of construction.

Section 2. Any person, corporation or company operating any railroad or railway in this state, violating any of the provisions of Section 1, of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1000.00), for each offense. Misdemeanor. Penalty.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 4. This Act shall be in force and take effect from and after the first day of November, 1907. When Act takes effect.

Approved Feby. 28, 1907.

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CHAPTER 55.

An Act to repeal an Act, entitled: "An Act to provide for the nomination of candidates by direct vote at a primary election; to provide the method of adopting such Act in any county or city, and to amend Sections 1206 of Political Code, as amended by the laws of 1899, and 1260 of the Politcal Code," approved March 6, 1905, and to make the provisions of the general registration and election laws of the State applicable to the counties having adopted the above Act.

Be it Enacted by the Legislative Assembly of the State of Montana:

Act of March 6, 1905, repealed.

Section I. That an Act, entitled: "An Act to provide for the nomination of candidates by direct vote at a primary election; to provide the method of adopting such Act in any county or city, and to amend Sections 1206 of the Political Code, as amended by the laws of 1899, and 1260 of the Political Code, approved March 6, 1905, be, and the same is hereby repealed.

Registration.

Section II. That the registration of electors and elections in all counties of this State heretofore adopting said primary election law shall hereafter be governed and controlled by the general registration and election laws in force and effect in other counties of the state.

When Act takes effect.

Section III. This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 28, 1907.

CHAPTER 56.

An Act to amend Section 1884 of the Civil Code of the State of Montana, relating to the use of surplus waters by prior appropriators.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Civil Code, Section 1884 amended.

Section I. That Section 1884 of the Civil Code of the State of Montana be, and the same is, hereby amended so as to read as follows:

Surplus water, returned to streams.

Section 1884. In all cases where, by virtue of prior appropriation, any person may have diverted all the water of any stream, or to such an extent that there shall not be an amount sufficient left therein for those having a subsequent right to the waters of such stream, and there shall, at any time, be a surplus of water so diverted, over and above what is actually, and necessarily used by the prior appropriator, such person shall be required to turn, and cause to flow back into the stream, such surplus water, and, upon failure so to do within twenty-four hours after demand being made upon him in writing, to him in person or at his place of abode, by any person having a right to the use of such surplus water, the person so diverting the same shall be liable to the person aggrieved for the damage resulting therefrom, in such sum as may be determined by court.

Damages.

Repealing clause.

Section II. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section III. This Act shall go into effect and be in full force from and after its passage.

Approved March 1, 1907.

CHAPTER 57.

"An Act Authorizing City and Town Councils to Provide for and Regulate the Inspection and Measuring of Gas and of Electric or other Light and Electric or other Power."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Gas, electric light, and power, inspection and measurement of by cities.

"Section 1. The council of any incorporated city or town shall have power, by ordinance, to provide for and regulate the inspection and the measurement of gas, electric or other light, and electric or other power, sold within its limits or brought into or carried through any such city or town.

When Act takes effect.

Section 2. This Act shall take effect from and after its passage and approval.

Approved March 1, 1907.

CHAPTER 58.

"An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various State Educational Institutions."

Be it Enacted by the Legislative Assembly of the State of Montana:

State Bonds, issue of by Board of Examiners authorized.

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana to

Amount.

an amount not exceeding Five Hundred Thousand Dollars in excess of the constitutional limitation of indebtedness of one hundred thousand dollars, for the pur-

Purpose.

pose of redeeming bonds which have heretofore been executed by the State Board of Land Commissioners,

Security.

pledging for their payment the moneys realized from the sale or leasing of, and from the licences to cut timber on, the lands granted for various educational purposes by the United States to the State of Montana

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by the enabling act of congress, passed and approved February 22nd, 1889, and also for the purpose of placing in tact the permanent endowment funds to which such educational institutions are respectively entitled. Purpose.

Section 2. The Board of Examiners shall within three months after the passage and approval of this law, give unto the bond holders of the bonds for which redemption is herein provided, the option of making surrender of such bonds by them held, for face cash value, or of taking in exchange therefor, state bonds for which issuance is herein provided, of equivalent face value as of date January 19th, 1906. Option to present bond-holders.

Section 3. The State Bonds, issuance of which is herein provided for, shall be issued in denominations of one Thousand dollars each, and shall bear date January 1st, 1909, and become due twenty years from the date of issuance, and be redeemable and payable, at the option of the state, ten years from their date, and shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the 1st days of January and of July of each year, at the office of the State Treasurer of the State of Montana. Denominations. Date. Due. Redeemable. Interest.

Section 4. Each bond issued under the provisions of this Act shall contain a condition substantially as follows: Condition of bond.

"This Bond is one of a series of ..... Bonds of the denomination of One Thousand ($1000) Dollars each, of like tenor and date, numbered from one to ..... inclusive, and aggregating the sum of ..... (.....) dollars. The right is hereby reserved to redeem this Bond at any regular interest period as stated herein, on and after three years from its date, by the payment of the principal and interest in full to date of redemption, and a premium upon the face value of the Bond of five per cent.; Provided, that not less than thirty days notice shall be given by the State Treasurer of such intention

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to redeem by publication in not less than one newspaper published in the City of New York, and one newspaper published in the City of Helena, Montana; and provided further, that such redemption shall be made by serial number, beginning with the bond bearing the lowest number then outstanding.

Tax levy.

Section 5. There shall be levied annually one fourth mill on the dollar of all taxable property, which, when collected by the county treasurer, shall be accounted for and paid over to the State treasurer to be, by the state treasurer, held in a separate fund designated as the "State Bond Fund," and used exclusively for the payment of the interest on such bonds and to constitute a sinking fund for their redemption.

Bond fund.

Notice of sale.

Section 6. It shall be the duty of the State Board of Examiners to give notice by advertising for not less than two insertions in one newspaper published in the City of Helena, Montana, and one newspaper published in the City of New York, that it will, on the 10th day of December, 1908, sell the said bonds, stating the full amount of the bond issue, to the person or persons offering the best premium therefor; provided, that the State Board of Land Commissioners shall have the preference right of investing in such state bonds, at par, any moneys belonging to the permanent school fund, permanent university fund, permanent agricultural college fund, permanent normal school fund, permanent school of mines fund, permanent reform school fund, or the permanent deaf and dumb school fund, to the extent of the full amount, or any part or portion of such state bond issue.

Date of sale.

State funds to have preference right of investing.

Proceeds of sale, disposition.

Section 7. The moneys derived from the sale of such state bonds in excess of the amount necessary to redeem the outstanding bonds herein above referred to, shall be deposited with the state treasurer to the credit of the various educational institutions whose permanent funds appear from the treasurers books to have been diminished in principal, and, in the event there is

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not sufficient money derived from said bond issue to make whole all such permanent educational institution funds, then the same shall be pro-rated to the various educational institution funds in accordance with the amount of shortage appearing as to each educational institution's permanent fund.

Section 8. It shall be the duty of the Governor to cause the question of the approval of this law to be submitted to the electors at the next ensuing General Election. And upon receiving a majority of all votes cast for and against it at such election it shall be declared approved. Each county clerk in this state shall have separate ballots printed and furnished to each precinct in his county in the same manner as the regular ballots. Said separate ballots shall be in conformity with the provisions of the general election laws of this state, and shall have printed thereon the following: Bond election.

For the law authorizing a State Bond issue of .....Dollars to redeem bonds heretofore issued for the use and benefit of various state educational institutions, and to make whole the permanent funds of such institutions. Form of ballot.

"Against the law authorizing a State Bond Issue of ..... dollars to redeem bonds heretofore issued for the use and benefit of various state educational institutions." The elector shall vote said ballot by making an "X" in a square in front of the proposition he desires to support.

Section 9. This Act shall be in full force and effect from and after its passage and approval." When Act takes effect.

Approved March 1, 1907.

CHAPTER 59.

An Act, entitled: "An Act to amend Section I of Chapter XXIX of Session Laws of 1905, approved February 21, 1905, entitled: 'An Act to amend Section 950-953, Title VIII, Chapter III, Part IV, Di-

vision I, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of Live Stock."

Be it Enacted by the Legislative Assembly of the State of Montana:

Civil Code, amended. Section 950 amended.

Section I. That Section I of Chapter XXIX of the Session Laws of 1905, approved February 21, 1905, entitled: "An Act to amend Sections 950-953, Title VIII, Chapter III, Part IV, Division 1, of the Civil Code of the State of Montana, relating to the liability of Railway Companies for the killing or injuring of live stock", be amended so as to read as follows:

Cattle guards and fence maintained by railroads.

Section 950: Railroad corporations must make and maintain a good and legal fence on both sides of their track and property, and maintain, at all crossings, cattle guards over which cattle or other domestic animals cannot pass. In case they do not make and maintain such fence and guards, if their engines or cars shall kill or maim any cattle or other domestic animals upon their line of road, they must pay to the owner of such cattle or other domestic animals, in all cases, a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed.

Animals killed or maimed must be paid for.

Damages may be recovered.

Provided, that nothing herein shall be construed so as to prevent any person, or persons, from recovering damages from any railroad corporation for its negligent killing or injury to any cattle, or other domestic animals, at spurs, sidings, Y's, crossings and turn tables .

Repealing clause.

Section II. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 1, 1907.

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CHAPTER 60.

An Act authorizing Boards of County Commissioners to vacate parks, boulevards and other public grounds in plats of unincorporated townsites, upon petition of interested freeholders.

Be it Enacted by the Legislative Assembly of the State of Montana:

Parks and public grounds in plats of townsites, how vacated.

Section 1. Whenever a petition signed by freeholders, owning at least two-thirds of the property fronting on any street of any unincorporated townsite in this State, shall be presented to the Board of County Commissioners of the county in which such townsite is situated, praying said board to vacate any park, boulevard, or other public place, bordering on said street and the adjoining porperty and not used for road or highway purposes, which park, boulevard, or public place, has been dedicated to public use, such board shall hear said petition, and, if in its judgement [judgment], it appears to be for the best interests of the public that such petition be granted, it shall by order of the board, duly entered upon its minutes, declare such park, boulevard or public place vacated, and, thereupon, the land included therein shall attach to and become part of the adjoining lots of said townsite, and the title thereto pass with conveyance of said lots.

Repealing clause.

Section II. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section III. This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 1, 1907.

CHAPTER 61.

"An Act validating the Acts of Boards of County Commissioners in establishing and locating County Free High Schools, and of Boards of County Free

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High School Trustees in issuing bonds for the erection of High School buildings."

Be it Enacted by the Legislative Assembly of the State of Montana:

County high schools, acts heretofore establishing and locating, ratified.

Section I. That all Acts heretofore done by any board of county commissioners in this State in connection with the submission to the electors of their county of the question of establishing and locating a county free high school, and upon which acts such question was in fact submitted to the electors of such county, and a majority of all votes cast at such election were in favor of the establishment and location of such high school and so found and declared by the board of county commissioners, shall be, and are hereby ratified and declared to be valid and of full force and effect.

Bond issues, legalized.

Section II. That all bonds issued or authorized to be issued, at any time prior to the passage of this Act, by the board of trustees of any county free high school in this state, where the question of the issuance of the same was first submitted by said trustees to the electors of the county and a majority of all votes cast at such election were in favor of said bond issue, and so found and declared by said board of trustees, are hereby ratified and declared to be valid and legal obligations and of full force and effect.

Repealing clause.

Section III. All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

Section IV. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1907.

CHAPTER 62.

"An Act making effective the Initiative and Referendum provisions of Section 1 of Article V, as amended, of the Constitution of the State of Montana, and regulating elections thereunder, and providing penalties for violations of provisions of this Act."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Referendum form of petition.

The following shall be substantially the form of petition for the referendum to the people on any act passed by the Legislative Assembly of the State of Montana.

WARNING!

Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one Election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the penitentiary not exceeding two years or by both such fine and imprisonment;

PETITION FOR REFERENDUM.

To the Honorable....., Secretary of State for the State of Montana:

We, the undersigned citizens and legal voters of the State of Montana, respectfully order that Senate (House) Bill Number..... entitled (title of Act), passed by the ..... Legislative Assembly of the State of Montana, at the regular (special) session of said Legislative Assembly, shall be referred to the people of the State for their approval or rejection, at the regular general or special election to be held on the.....day of....., 19...., and each for himself says: I have personally signed this petition; I am a legal voter of the State of Montana; and my residence, postoffice address and voting precinct are correctly written after my name.

Name..... Residence..... Postoffice ..... Voting..... If in city, street and ..... Address..... Precinct..... Number.....

(Here follow numbered lines for signatures.)

Section 2.

Initiative form of petition.

The following shall be substantially the form of petition for any law of the State of Montana proposed by the initiative:

WARNING!

Any person signing any name other than his own to this petition or signing the same more than once for the same measure at one Election, or who is not, at the time of signing the same, a legal voter of this State, is punishable by a fine not exceeding Five Hundred Dollars ($500.00) or imprisonment in the penitentiary not exceeding two years or by both such fine and imprisonment.

Petition for Initiative.

To the Honorable.....Secretary of State of the State of Montana:

We, the undersigned legal voters of the State of Montana, respectfully demand that the following proposed law shall be submitted to the legal electors of the State of Montana, for their approval or rejection, at the regular general or special election to be held on the.....day of....., 190.., and each for himself says:

I have personally signed this petition, and my residence, postoffice address, and voting precinct are correctly written after my name.

Name..... Residence.....
If in city, street and.....Postoffice.....
Voting..... number..... Address .....Precinct.

(Numbered lines for names on each sheet.)

Every such sheet for petitioners signature shall be attached to a full and correct copy of the title and text of the measure so proposed by initiative petition; but such petition may be filed with the Secretary of State in numbered sections, for convenience in handling, and referendum petitions may be filed in Sections in like manner.

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Section 3.

County Clerk to compare signatures with registration books.

The County Clerk of each county in which any such petition shall be signed shall compare the signatures of the electors signing the same with their signatures on the registration books and blanks on file in his office, for the preceding general election, and shall thereupon attach to the sheets of said petition containing such signatures, his certificate to the Secretary of State, substantially as follows:

State of Montana,
} ss
County of.....

To the Honorable....., Secretary of State for Montana:

Certificate of County Clerk.

I, ..., County Clerk of the County of.....hereby certify that I have compared the signatures on (number of sheets) of the referendum (initiative) petition, attached hereto, with the signatures of said electors as they appear on the registration books and blanks in my office; and I believe that the signatures of (names of signers) numbering (number of genuine signatures) are genuine. As to the remainder of the signatures thereon, I believe that they are not genuine, for the reason that .....and I further certify that ..... the following names (.....) do not appear on the registration books and blanks in my office.

Signed:.....

.....County Clerk.

(Seal of Office).....By.....

..... Deputy.....

Prima facie evidence of genuine signatures.

Every such certificate shall be prima facie evidence of the facts stated therein, and of the qualifications of the electors whose signatures are thus certified to be genuine, and the Secretary of State shall consider and count only such signatures on such petitions as shall be so certified by said county clerks to be genuine:

Counting of signatures.

Provided, that the Secretary of State may consider and count such of the remaining signatures as may be proved to be genuine, and that the parties so signing were legally qualified to sign such petitions, and the official certificate of a Notary Public of the County in which the signer resides shall be required as to the fact for each of such last named signatures; and the Secretary of State shall further compare and verify the official signatures and seals of all notaries so certifying with their signatures and seals filed in his office. Such notaries' certificates shall be substantially in the following form:

State of Montana }
} ss.
County of..... }

Certificate of Notary Public.

I, ... a duly qualified and acting Notary Public in and for the above named county and state, do hereby certify: that I am personally acquainted with each of the following named electors whose signatures are affixed to the annexed petition, and I know of my own knowledge that they are legal voters of the State of Montana, and of the county and precincts written after their several names in the annexed petition, and that their residence and postoffice address is correctly stated therein, to-wit: (Names of such electors.)

In Testimony Whereof, I have hereunto set my hand and Official Seal this.....day of....., 190..

Notary Public, in and for.....
.....County, State of Montana.

Time for filing with Secretary of State.

The County Clerk shall not retain in his possession any such petition, or any part thereof, for a longer period than two days for the first two hundred signatures thereon, and one additional day for each two hundred additional signatures, or fraction thereof, on the sheets presented to him, and at the expiration of such time he shall forward the same to the Secretary

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of State, with his certificate attached thereto, as above provided. The forms herein given are not mandatory, and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical errors.

Forms of petition not mandatory.

Section 4.

Immediately upon the filing of any such petition for the referendum or the initiative with the Secretary of State, signed by the number of voters and filed within the time required by the Constitution, he shall notify the Governor in writing of the filing of such petition, and the Governor shall forthwith issue his proclamation, announcing that such petition has been filed, with a brief statement of its tenor and effect. Said proclamation shall be published four times for four consecutive weeks in one daily or weekly paper in each county of the State of Montana.

Notice to Governor.

Proclamation by Governor.

Publication.

Section 5.

The Secretary of State, at the same time that he furnishes to the County Clerks of the several counties certified copies of the names of the candidates for state and county offices, shall furnish to said county clerks his certified copy of the titles and numbers of the various measures to be voted upon at the ensuing general or special election, and he shall use for each measure, a title designated for that purpose by the Legislative Assembly, Committee, or organization presenting and filing with him the act, or petition for the initiative or the referendum or in the petition or Act; provided, that such title shall in no case exceed 100 words, and shall not resemble any such title prevously filed for any measure to be submitted at that election, which shall be descriptive of said measure, and he shall number such measures; and such title shall be printed on a separate official ballot in the order in which the Acts referred by the Legislative Assembly and petitions by the people shall be filed in his office. The affirmative of the first measure shall be numbered

Duties of Secretary of State.

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300 and the negative 301, in numerals, and the succeeding measures shall be numbered consecutively 302, 303, 304, 305, and so on at each election. It shall be the duty of the several county clerks to print said titles and numbers upon a separate official ballot, in the order presented to them by the Secretary of State, and the relative position required by law. Measures proposed by the initiative shall be designated and distinguished from measures proposed by the Legislative Assembly by the heading "Proposed Petition for Initiative."

Section 6.

Ballots, how marked.

The manner of voting measures submitted to the people shall be: By marking his ballot with a cross on diagram opposite and to the left of the proposition for which he desires to vote.

☐ For the Initiative Measure No .....

☐ Against Initiative Measure No.....

☐ For Referendum Measure No.....

☐ Against Referendum Measure No.....

Section 7.

Publication and distribution of title and text of measure and pamphlets.

The Secretary of State shall, not later than the first Monday of the third month next before any general or special election, at which any proposed law is to be submitted to the people, cause to be printed a true copy of the title and text of each measure to be submitted, with the number and form in which the question will be printed on a separate official ballot. The paper to be used for the covers of such pamphlets shall be twenty by twenty-five inches, and fifty pounds weight to the ream. The persons, committees, or duly authorized officers of any organization filing any petition for the initiative, but no other person or

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organization, shall have the right to place with the Secretary of State for distribution, any pamphlets advocating such measure, not later than the first Monday of the fifth month before the regular general or special election at which the measure is to be voted on; any person, committee or organization opposing any measure may place with the Secretary of State for distribution any pamphlets they may desire, not later than the first Monday of the fourth month immediately preceding such election; as to pamphlets advocating or opposing any measure referred to the people by the Legislative Assembly, they shall be governed by the same rules of time, but they may be placed with the Secretary of State by any person, committee, or organization: Provided, that all such pamphlets shall be furnished to the Secretary of State in sheets of uniform size, as follows: Size of pamphlet page to be six inches wide by nine inches long; size of type page to be twenty-six ems pica wide, by forty ems pica long, set in long primer of ten-point type, and printed on sized and supercalendered paper, twenty-five by thirty-eight inches, weighing fifty pounds to the ream. All such pamphlets shall be furnished to the Secretary of State at the sole expense of the persons interested, and without cost to the State. In no case shall the Secretary of State be obliged to receive any such pamphlets unless a sufficient number is furnished to supply one to every legal voter in the State, but in such case, he shall forthwith notify the persons offering the same of the number required. The Secretary of State shall cause one copy of each of said pamphlets to be bound in with his copy of the measures to be submitted as herein provided. The title page of every such pamphlet shall show the official numbers for and against, and the ballot title of the measure to which it refers, and whether it is intended to favor or oppose such measure and by whom it is issued. The Secretary of State shall distribute to each County Clerk, before

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the second Monday in the third month next preceding such regular general election, a sufficient number of said bound pamphlets to furnish one copy to every voter in his county. And each county clerk shall be required to mail to each registered voter in each of the several counties in the State at least one copy of the same, within thirty days from the date of his receipt of the same from the Secretary of State. The mailing of said bound pamphlets shall be a part of the official duty of the County Clerk of each of the several counties and his official compensation shall be full compensation for this additional service. The Secretary of State shall not be obliged to receive or distribute any pamphlets advocating or opposing any measure unless the same shall be filed with him within the time herein provided.

Section 8.

Canvassing the votes.

The votes on measures and questions shall be counted, canvassed, and returned by the regular boards of judges, clerks and officers as votes for candidates are counted, canvassed, and returned, and the abstract made by the several county clerks of votes on measures shall be returned to the Secretary of State on separate abstract sheets in the manner provided by Sections 1440 and 1441, of the Political Code for abstracts of votes for State officers. It shall be the duty of the State Board of Canvassers to proceed within thirty days after the election, and sooner if the returns be all received, to canvass the votes given for each measure and the Governor shall forthwith issue his proclamation, which shall be published in two daily newspapers printed at the capital, giving the whole number of votes cast in the State for and against each measure and question, and declaring such measures as are approved by a majority of those voting thereon to be in full force and effect as the law of the State of Montana from the date of said proclamation designating such measures by their titles.

Proclamation by Governor.

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Section 9.

Every person who is a qualified elector of the State of Montana may sign a petition for the referendum or for the Initiative. Any person signing any name other than his own to such petition or signing the same more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this state, or any officer or any person wilfully violating any provision of this statute, shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment in the discretion of the court before which such conviction shall be had.

Qualified signatures.

Illegal signatures.

Felony.

Penalty.

Section 10.

A Bill passed by the Legislative Assembly and referred to popular vote at the next general election, or at a special election, shall not be in effect until it is approved at such general or special election by a majority of those voting for and against it, and to change the numbering of the sections to correspond.

Bills referred shall not be in effect until approval.

Section 11.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 2nd, 1907.

CHAPTER 63.

An Act to amend Section 451 of the Civil Code as amended by Chapter XXXII of the laws of 1903, relating to annual reports of corporations.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Chapter XXXII of the laws of 1903 be amended to read as follows:

Section 451:

Corporations, annual report, when and where filed.

Every domestic corporation, having a capital stock, shall annually, within twenty days from and after the thirty-first day of December, file, in the office of the clerk of the county in which the principal place of business of such corporation is situated, a report

Contents.

which shall state the amount of the capital stock, the proportion thereof actually paid in and the amount thereof actually paid in cash and the amount issued, if any, in payment of property purchased and the amount of existing debts and also the names and addresses of the directors or trustees and of the president, vice-president, general manager and secretary of the

Signatures required.

corporation. Such report shall be signed by the president and a majority of the directors, inclusive of the president, secretary or treasurer of such corporation. In the absence, or inability to act, of the president, the vice president may sign and verify such report.

Failure to file.

If any such corporation shall fail to file such report, the directors of the corporation shall be, jointly and

Liability.

severally, liable for all debts or judgments of the corporation then existing, or which may thereafter be, or in any wise incurred, until such report shall be made

Proviso.

and filed; provided, however, that if within ten days after such failure a director, or directors, shall make and file, as aforesaid, an affidavit or affidavits, stating that the failure was due to no fault or neglect of his or theirs, and stating, also, that, within the said twenty days, he or they requested the president or sufficient number of the other directors, whose residence was known to affiants, to join with them in making report, such director, or directors, shall not be liable under this Section.

Filing of report releases from liability.

If the required report be made and filed after the time herein specified, the directors shall not, on account of the prior failure to make report, be liable for the debts thereafter contracted.

Where such corporation, on account of insolvency

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or for any other reason, has ceased to be a going concern and has ceased to voluntarily incur financial obligations, the directors may include a statement to that effect in their report, giving the reasons for the cessation of the corporate activities of such corporation, and, after two annual reports have been filed, the directors shall not be liable for a failure to file annual reports during such time as the disability of such corporation shall continue.

Statement of non-activity.

Section II.

All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section III.

This Act to take effect and be in force from and after its passage and approval.

When Act takes effect.

Approved March 2, 1907.

CHAPTER 64.

An Act assenting to the provisions of an Act of Congress, entitled: "An Act to provide for an increased annual appropriation for Agricultural Experiment Stations and regulating the expenditure thereof," approved March 16, 1906.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That the State of Montana hereby assents to the provisions of an Act of Congress, entitled: "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906, and hereby consents to receive the benefits thereof in the manner and form and for the purposes in said Act intended and provided.

Agricultural Experiment Stations.

Assent of State.

Accepting Congressional Appropriation.

Section II.

That until otherwise provided by law the Agricultural Experiment Station, now established at Bozeman,

Bozeman Agricultural Experiment Station, designated as beneficiary.

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Gallatin County, State of Montana, shall be the beneficiary of the funds in said Act mentioned, and shall use and disburse said funds only for the purposes and in the manner provided in said Act. The treasurer of the executive board of the Agricultural College and Agricultural Experiment Station, at said City of Bozeman, is hereby authorized to receive, and shall be the custodian of said funds, and he shall account for said funds, and make reports to the Secretary of agriculture, as required by said Act of Congress.

Section III.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1907.

CHAPTER 65.

An Act, entitled: "An Act to amend Section 717 of the Penal Code of the State of Montana as the same is amended by Chapter 39, Laws of 1905, relating to the sale of intoxicating beverages within five miles of any railroad grade, irrigation ditch, or canal in course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, sawmill, mine, stone quarry, or sheep shearing camp in operation, making exceptions to the provisions of this Act, and defining the meaning of the words "Town" and "City" as used herein."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Penal Code amended, Section 717 amended.

That Section 717 of the Penal Code of the State of Montana, as amended by Chapter 39, Laws of 1905, be, and the same is hereby amended so as to read, as follows:

Section 717.

Every person who sells, furnishes or gives away any

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spirituous or malt liquors, wine or cider, or any beverage containing any intoxicating liquors, within five miles of any railroad grade, irrigating ditch, or canal under course of construction, or on any railroad grade on which track is being laid, or within five miles of any logging camp, sawmill, mine, stone quarry, or sheep shearing camp in operation is punishable by imprisonment in the county jail not exceeding sixty days, or a fine not exceeding one hundred ($100.00) dollars or by both such fine and imprisonment.

Traffic in intoxicating liquors within five miles of certain works, prohibited.

Misdemeanor.

Penalty.

The provisions of this Section do not apply to the selling, furnishing or giving away intoxicating liquors, wine or cider within the limits of any town or city; provided, that the word "town" or "city," within the meaning of this Act, shall include all places and only such places as have a bona fide permanent population of not less than thirty persons over the age of twenty-one years residing within the territory not exceeding one mile square, and excluding from such enumeration all persons who have not resided at least six months in such place, and also excluding all employees, owners or agents engaged in any of the above named businesses; Provided, that the provisions of this Act shall not apply to any person previously engaged in selling intoxicating liquors at a fixed place of business, established six months prior to the beginning of work in or upon, or the erection of construction, or operation of any of the things enumerated in this Act, or to his assigns.

Within town or city limits not to apply.

Towns and cities defined.

Proviso.

Section II.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section III.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 2, 1907.

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CHAPTER 66.

An Act prohibiting the exhibition of moving pictures wherein are exhibited the pictures of burglaries, train robberies, or any other Act which would constitute a felony.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Exhibition of moving pictures.

Every person who shall exhibit moving pictures wherein are shown or exhibited to the public any scenes or pictures depicting burglaries, train robberies, or other Acts which would constitute a felony, is guilty of a misdemeanor.

Misdemeanor.

Section II.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section III.

When Act takes effect.

This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 2, 1907.

CHAPTER 67.

An Act, entitled: "An Act to empower the Montana State Board of Horticulture to establish a quarantine over any orchard, or place where fruits are grown or kept, that is infested with any injurious disease or insect pest. Empowering said Board to establish rules and regulations governing such quarantine and fixing the penalty for violation thereof. To provide for the Collection of Money expended by the said Montana State Board of Horticulture in the eradication of diseases and the insect pests and fruit trees."

Be it Enacted by the Legislative Assembly of the State of Montana:

Infected orchards to be quarantined.

Section I. The Montana State Board of Horticul-

ture is hereby authorized and empowered to establish a quarantine over any orchard, or place where fruits are grown or kept, that is infested with any injurious disease or insect pest; and said board may establish such rules and regulations governing such quarantine, and regulating or restricting the use of such fruits upon the premises, or the shipment or disposition of same, as the board may deem necessary to prevent the spreading of such disease or diseases, or insect pests,

Section II. Any person who shall violate the provisions of this Act, or the rules and regulations established by said Board of Horticulture, or who shall ship or dispose of any diseased or infested fruit, or fruit products, in violation of the order of said Board of Horticulture, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of not less than twenty-five ($25.00) dollars, nor more than three hundred ($300.00) dollars.

Misdemeanor.

Penalty.

Section III. Whenever, under the direction or regulations of the Montana State Board of Horticulture, any money is expended by said board for the purpose of eradicating any diseases or insect pest from any orchard, or other place where fruits are grown or kept, said board, through its representatives, shall notify the owner of such orchard or premises, in writing, of the amount so expended. Said notice shall be mailed to the last known address of such owner, and, if such owner shall fail to pay the amount so expended by said board within thirty days of the time such notice is sent, then, and in that event, the board shall file a statement, verified under oath by its representative, with the county treasurer in the county wherein said money shall have been expended. Said statement shall set forth the amount so expended, together with the correct description of the property on which such money was expended, as it appears on the assessment roll of the county. The county treasurer shall add

Expenses for eradicating diseases to be a tax against the premises.

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the amount, as set forth in said statement, to the taxes upon said property, and shall collect the same as provided by law for the collection of taxes for state and county purposes.

Disposition of monies collected.

Section IV. The county treasurer, in any county where any money is collected as provided in Section III of this Act, shall on or before the first day of February of each year remit the amount, previously collected, to the Secretary of the State Board of Horticulture, who shall remit the same to the state treasurer, and such remittances, together with all other fees and remittances paid into the state treasury by the State Board of Horticulture, shall be added to the appropriation for the use of the said board in the year in which such remittances are made, and all such remittances shall be credited to the fund for the use of the State Board of Horticulture.

Repealing clause.

Section V. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section VI. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1907.

CHAPTER 68.

"An Act to Provide for the Publication of the Certificate of the Auditor as to the Authority of Insurance Companies to Transact Business, and for the Publication of a condensed statement of their Condition in Addition Thereto."

Be it Enacted by the Legislative Assembly of the State of Montana:

Insurance Companies, annual report.

Section 1. Every insurance company of the character provided for in this chapter, doing business in the state, organized under the laws of this or any other state or country, shall publish annually, before the first day of May, in two newspapers of general circulation, to be approved by the State Auditor, one

Certificate of State Auditor to be published.

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of which shall be published at the seat of government, and, in case of companies organized in the state, one in the county where the principal office is located, a certificate from the Auditor that such company has in all respects complied with the law of the state relating to insurance, and an affidavit of such publication made by the publisher or foreman of such newspaper shall be filed in the office of the Auditor within thirty days from the date of such publication. Said certificate shall also contain a statement made up from the annual report of said company of the actual amount of paid up capital, the aggregate amount of assets and liabilities at the date of such report, together with the aggregate income and expenditures of such company for the preceding year as shown by said report.

Affidavit of publication.

Contents of certificate.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect after its approval by the Govenor [Governor?].

When Act takes effect.

(Note by Secretary of State: This bill having remained with the Governor five days and the Legislative Assembly being in session it has become a law this 2nd day of March, 1907.)

A. N. YODER,
Secretary of State.

CHAPTER 69.

An Act, entitled: "An Act to amend Section 1770 of Article IV of the Political Code of the State of Montana, as amended by the Sixth Legislative Assembly," approved March 6, 1897, and as farther amended by the Seventh Legislative Assembly, approved March 3, 1899.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Article IV, Section 1770, as amended by the

Political Code, amended. Section 1770, amended.

Sixth Legislative Assembly, approved March 6, 1897, and farther amended by the Seventh Legislative Assembly, approved March 3, 1899, be amended to read as follows:

School Trustees, annual election of.

An annual election of school trustees shall be held in each school district in the state on the first Saturday in April in each year, at the district school house, if there be one, and, if there be none, at a place designated by the Board of Trustees or the County Commissioners as the case may be.

Districts classified.

All districts having a population of eight thousand or more, are, and hereafter shall be, districts of the first class. All districts having a population of one thousand, or more, and less than eight thousand, are, and hereafter shall be, districts of the second class, and all districts having a population of less than one thousand are, and hereafter shall be, districts of the third class. In districts of the first class, the number of trustees shall be seven; in districts of the second class, the number of trustees shall be five, and, in districts of the third class, the number of trustees shall be three. In school districts having a population of over twenty thousand people, any trustee at the time of the passage of this Act, save those who are serving by appointment to fill vacancies, shall continue to hold for the term of two years from the third Saturday in the month of April of the year in which they were elected, and those filling vacancies until the third Saturday in April, 1899, and at all subsequent elections one or more trustees, as the case may be, must be elected, who shall each serve for a term of two years or until their successors are elected or appointed, and shall have qualified.

Term of office.

Vacancies, how filled.

A vacancy in the office of school trustee must be filled by appointment by the County Superintendent of Schools, subject to confirmation by a majority of the remaining members of said board, if those remaining constitute a majority of the total of the board.

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Section II.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section III.

This Act shall be in full force and effect after its passage and approval by the Governor. When Act takes effect.

(Note by Secretary of State: This bill having remained with the Governor five days and the Legislative Assembly being in Session it has become a law this fourth day of March, 1907.)

A. N. YODER,
Secretary of State.

CHAPTER 70.

"An Act to Provide for the Creation and Organization of Irrigation Districts. To Provide for the Election of a Board of Three Directors in Each District, Defining the Duties and Powers of Such Directors and Fixing Their Compensation and Making it Penal for any Such Director to be interested in Any Contract Let by Such Board. To Authorize the Issuance of Bonds and Fixing the Duration, Character and Form of Said Bonds, and Making Said Bonds a Lien Upon the Particular Lands for the Irrigation of Which Said Bonds Are Issued. Providing for the Assessment of Lands in Such Irrigation Districts for the Payment of the Principal and Interest of Said Bonds and for the Administration Expenses of Said Irrigation Districts and the Maintenance of All Irrigation Works in Such Districts. Title.

To Provide for the Equalization of all Districts Assessments by the Directors of Said Districts.

To Provide for Appeals from all Decisions of the Directors of Irrigation Districts. Making the County Treasurer in the Counties Where Such Districts Are Organized the Custodian of all Funds and Securities Belonging to Such Districts.

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Providing for the Sale of Lands for Delinquent Assessments and the manner in Which the Same May be Redeemed.

To provide for the Extension of Such Irrigation Districts and the Adjustment and Payment of all Differences Between the Old and New Portions of Such Districts.

To Provide for the Sale of Water by Any District to Any Other District and Fixing the Manner and Form of Payment Therefor and the Manner in Which Differences Between Such Districts Shall be Adjusted.

Making and Declaring the Construction of all Irrigation Works to be a Public Use and Granting Right of Way Therefor Over State Lands, and exemption of all Such Irrigation Works from Taxation.

Title. To Provide for the Payment and Transfer of Money to or from the Various Funds of Said District. To Provide for the Manner in Which Lands Belonging to the State or to the United States May be Included in Such Districts Making the Lessees or Settlers of Such Lands Liable for Certain Assessment and Providing for the Collection of Such Assessments and Fixing the Time Wherein the Water Apportioned to Such Public Land Shall Become Appurtenant to the Same.

Be it Enacted by the Legislative Assembly of the State of Montana:

Irrigation districts. Section 1. A majority in number of the holders of title, or evidence of title, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title, representing a majority in acreage of said lands, according to the county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this act. Said equalized assessment roll or rolls shall be sufficient evidence of title for the purposes of this act.

Petition for organization. Section 2. In order to propose the organization of

an irrigation district, a petition shall be presented to the board of county commissioners of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, to lands within such proposed district, and representing the requisite majority in acreage of said lands, which petition shall set forth the boundaries of the proposed district, and shall state generally the source from which said lands are proposed to be irrigated, and the character of the works proposed to be acquired or constructed for irrigation purposes, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. Said petition shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When such petition is presented, said board of county commissioners shall hear the same and may in thier [their] discretion adjourn such hearing from time to time, not exceeding four weeks in all. And on the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from a common source and by the same system of works applicable to the other lands in such proposed district, nor shall any lands which will not, in the judgment of said

Contents.

Publication.

Notice.

Hearing by County Commissioners.

Boundaries.

board, be benefitted by irrigation, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from the same source and system of works, may, upon his application, in the discretion of said board, have such lands included within said proposed district. Lands of the district need not be contiguous, and any particular tract or tracts, irrespective of location in the district, may be excluded, lands being accurately described in the final order made by said board.

Requirements and testimony.

Section 3. Upon such hearing of said petition the board of county commissioners shall determine whether or not said petition complies with the requrements [requirements?] of Sections 1 and 2 of this act, and for that purpose must hear all competent and relevant testimony offered in support or in opposition thereto. If it

Disallowed.

is found by the board that such petition does not substantially comply with the requirements herein, or that the facts therein stated are not sustained by the evidence, then said board shall disallow said petition and shall make and enter an order to that effect; but if it

Election, when ordered.

is found that said petition substantially complies with the requirements of this act and that the facts therein stated are sustained by the evidence at such final hearing, then said board of county commissioners shall make and enter an order that an election shall be held in said district for the purpose of determining whether or not the same shall be organized under the provisions of this act and for the election of three directors as hereinafter provided. Said final order of the board allowing said petition shall contain an accurate description of each tract of land included within said district and no other boundaries of said district need be made. Said board shall also, in said order allowing said petition, divide said district into three divisions as hereinafter provded.

Appeal to district court.

Section 4. The right of appeal from said order to the district court of the district where said petition is

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heard is hereby given to any persons interested or whose rights or property is affected by the action of said board of county commissioners. Such appeal shall be instituted and conducted in all manner as an original action; provided, that if more than one appeal be taken they shall be consolidated and tried together. Such appeal shall be taken within ten days after the entry of such order upon the minutes of the board of county commissioners. The appeal shall be taken and heard in the same manner as appeals from justice courts to the district court, except as herein otherwise provided. Upon the appeal, the district court shall make and enter its judgment affirming, modifying, or reversing the order appealed from. Within ten days thereafter the district court must cause its remittiture to issue to said board of county commissioners, and if said order of the board of county commissioners is modified or reversed the judgment of the district court and its remittiture shall direct the board of county commissioners what order it shall enter. Such remittiture shall be filed by the clerk of the board of county commissioners and at the first meeting of the board, which must be held not later than ten days thereafter, it shall cause to be entered in its minutes the order as directed by said district court. The appeal herein provided for shall be heard within thirty days from the time of filing in the district court and the same shall be determined without delay.

Consolidation of appeals.

Judgment of District Court.

Remittitur.

Time of hearing appeal.

Section 5. If on said final hearing, the petition is granted, said board shall make an order dividing said district into three divisions, as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall be elected for each division by the electors thereof.

Division of district.

Section 6. Said board of county commissioners shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions

Notice of election.

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of this act, and for the election of three directors. Such notice shall not be published for at least ten days after the making of such original order by the board allowing said petition, and if any appeal is taken within said ten days, said notice shall not be published until the final determination of said cause on appeal when said board of commissioners shall then fix the day of election and cause the publication of such notice. Such notice shall describe the boundaries so established and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. The board of county commissioners shall furnish ballots on which shall be printed the words "Irrigation District—Yes," and "Irrigation District—No" or words equivalent thereto, and also the names of persons to be voted for at said election. For the purpose of said election the board of county commissioners must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state and judges and clerks shall receive the same compensation allowed by law in regular elections.

Publication of notice.

Form of ballots.

Election precincts.

Section 7. At such election there shall be elected a board of three directors. One director to be elected in each division of the district.

Directors, number of.

Section 8. Any taxpayer holding title or evidence of title, or any duly authorized and qualified guardian, executor or administrator of an estate, or the duly authorized agent of any corporation or company owning land within any irrigation district, shall be deemed

Voters qualifications.

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qualified to sign any document or petition, or to vote at any election authorized under this act if not otherwise disqualified under the laws or constitution of the state.

Election details to be arranged by county commissioners.

Section 9. The board of county commissioners shall designate the polling places and appoint three judges of election in each precinct. The board shall also provide printed ballots and arrange all other details of said election. All expenses shall be paid in the same manner as the expenses in regular county and state elections, but for all such expenditures the county shall be reimbursed by the district as hereinafter provided

Expenses, how paid.

Nominations, how made.

Section 10. All canidates [candidates?] for the office of director shall be nominated by petition filed with the county clerk at least ten days prior to any election and signed by not less than ten free holders of the district, and the names of all canidates for each division of the district shall be printed on the same ballot. In voting, the ballots shall be marked in the same manner as in regular county and state elections, and each elector shall be permitted to cast one vote for each forty acres of irrigable land or major fraction thereof owned by such elector in the division where his ballot is cast, but any elector owning less than twenty acres shall be entitled to cast one vote.

Manner of voting.

Election officers duties.

Section 11. The officers of election shall be sworn as in regular elections and shall certify the result of the election to the Board of County Commissioners. They shall keep a correct list of the names of all who vote together with the number of votes cast be [by?] such person and this list together with the ballots shall be sealed and delivered to the County Clerk and Recorder of the County where the petition is filed, who shall keep the same like other election returns.

District lying in two counties, proceedings to be had in county containing the major portion.

Section 12. Where the lands of a district lie within more than one county all petitions, papers, documents or other instruments except evidence of title or proceedings, as hereinafter provided, shall be filed, or pro-

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ceedings had, in the county containing the greater portion of said district, and all the work of establishing the district, arranging the details of election and other duties prescribed by this act shall be performed by the county officials of the county wherein the greater portion of the lands of the district lie.

Expenses of election a tax against the district.

Section 13. The County Commissioners shall keep a correct account of all expenses incident to said election and the same shall become a tax upon the district to be apportioned among the lands of the district and collected with other taxes as hereinafter provided, and after the collection of said taxes the amount expended by the Board of Commissioners in conducting any such district elections shall be repaid to the county from the funds belonging to such district.

Canvassing the vote.

Section 14. The board of county commissioners shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that at least two thirds of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minuets [minutes?] declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected. Said order shall accurately set forth the boundaries of said district as heretofore defined, and a description of the lands composing the same.

Organization ordered.

Copy of order to be filed with County Clerks.

Section 15. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county clerk and recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the Board of County Commissioners of each of said last-mentioned counties, and no board of County Commissioners of any county in which any portion of the lands

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embraced in such district are situated shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of such district shall be complete.

Conflict of districts not allowed without consent.

Section 16. Such election, or organization, may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the district court of the county where the petition for organization is filed; provided, that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the Board of County Commissioners. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be speedily heard and determined by the supreme court.

Contest of election in District Court.

Appeal.

Section 17. The officers elected at the election hereinbefore provided for shall immediately enter upon thier [their?] duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office for one year or until thier [their?] successors are elected and qualified.

Officers elected to qualify.

Term of office.

Section 18. The directors shall quaify [qualify?] in the same manner as justices of the peace and each shall give a bond in the sum of two thousand dollars for the faithful performance of his duties, said bond to be payable to the state for the benefit of the district.

Directors to qualify.

Bond.

Section 19. In case of a vacancy in the Board of Directors from any cause, such vacancy shall be filled by

Vacancy filled by appointment.

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appointment by the County Commissioners. The appointee to hold office until his successor is elected and qualified.

Directors to organize and elect officers.

Section 20. The Board of Directors shall meet within ten days after election and shall organize by the election of one of thier [their?] number as President, they shall also elect a Secretary, who may or may not be a member of the board. The compensation of the Secretary and all other employes authorized under this act shall be fixed by the Board.

Compensation of officers, how fixed.

To keep record of proceedings.

Section 21. All meetings of the board shall be public and a complete record of all proceedings shall be kept.

Board of Directors, powers and duties.

Section 22. The board shall have the power, and it shall be thier [their?] duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers and employes as may be required and prescribed [prescribe] their duties. The board and its agents and employes shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to appropriate water in the name of the district and to acquire, either by purchas [purchase?] or condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair, and improvements of said canal or canals, and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. But no purchase of any waters, or water rights, or canals, or reservoirs, or reservoir sites, or irrigation works, or other real propery of any nature or kind for any price in excess of ten thousand dollars shall be final or binding on the dis-

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trict, nor shall the purchase price thereof be paid until a petition of a majority of the holders of title, or evidence of title to lands within the district, such holders of title or evidence of title, representing a majority in acreage of said land, subject to assessment for district purposes, according to the last assessment roll of the district, shall have been filed with the board and an order of the board made thereon confirming such purchase. Said board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act, or acquired in persuance thereof. And in all courts, suits, or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. It shall be the duty of said board to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act.

Boundaries of district may be changed by board of directors.

Section 23. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the

divisions and election precincts of the district; provided, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board, and a certified copy of the same shall be filed for record in the office of the County Clerk and Recorder in the County containing the divisions where such changes are made

Annual election of directors.

Section 24. The directors in each district, excepting the board first elected shall be elected on the third Tuesday in February of each year and on the first Tuesday in March next following thier [their?] election, the directors who shall have been elected at the general February election, shall meet and organize as a board, elect a President and appoint a Secretary, who shall each hold office during the pleasure of the board.

Notice of annual election.

Section 25. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notice to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling-places of each precinct. Prior to the time for posting the notices the board must appoint for each precinct, from the electors thereof, three judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held.

Judges of election, how appointed.

Powers and duties of election judges.

Section 26. The judges may administer all oaths re-

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quired in the progress of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct must, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock on the morning of the election, and be kept open until five p. m. when the same must be closed.

Election, how conducted.

Section 27. Voting may commence as soon as the polls are opened and may be continued during all the time the polls remain opened, and such election shall be conducted as provided in Sections 6 to 11 inclusive of this act and as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerks and judges. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by one of the judges, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the judges during the counting thereof, in the order in which they were entered upon the tally list by the clerks; and said ballots, together with the other of said certificates, with the poll list and tally to which it is attached shall be sealed by the judges and clerks, and endorsed "Election returns of (naming

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the precinct) precinct," and be directed to the clerk of the board of County Commissioners and shall be immediately delivered by the judges, or some other safe and responsible carrier designated by said judges, to said county clerk, and the ballots shall be kept in the same manner as ballots in other elections.

Canvassing returns of election.

Section 28. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of County Commissioners must meet on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of County Commissioners must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

Certificate of election.

Section 29. The board of County Commissioners must declare elected the persons having the highest number of votes given for each office. The County Clerk must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

Qualifications for director.

Section 30. A director shall be a free holder of the irrigation district, and of the division for which he is elected, but not necessarily a resident of the district.

Compensation of directors.

Section 31. The directors, when sitting as a board, or acting under the orders of the board, shall each receive not to exceed three dollars per day, and actual and necessary expenses paid while engaged in official business under the order of the board. The board

Compensation of officers, how fixed.

shall fix the compensation to be paid to all officers named in this act, to be paid out of the funds of the

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district; provided, that said board shall, upon the petition of at least fifty, or a majority of the freeholders within such district, therefor, submit to the electors at any general district election a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board not less than twenty days nor more than forty days prior to a general district election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act. In all elections after the organization of a district has been completed, the board of directors shall provide the ballots and arrange all the details of such election.

Election details to be arranged by board of directors.

Section 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and his conviction thereof shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Directors or officers not to be interested in contracts or profit.

Misdemeanor.

Penalty.

Section 33. The board of directors, may, at any time, when in thier [their?] judgment it may be deemed advisable, call a special election and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of Section six of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words, "Assessment

Special assessment levy to be submitted to the voters.

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—Yes," and "Assessment—No." If two thirds or more of the votes cast are "Assessment—Yes," the board shall, at the time of the annual levy hereunder, levy an assessment sufficient to raise the amount voted.

Debt, liability or bond issue, in excess of the provisions of this act, void.

Section 34. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred, in excess of such express provisions shall be and remain absolutely void, except that for the purpose of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding, in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per centum per annum.

Exception.

Change of district boundaries, not to impair or offset any rights, contracts or obligations.

Section 35. The boundaries of any irrigation district hereafter organized under the provisions of this act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights of privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Boundaries of district, how extended.

Section 36. The boundaries of any irrigation district may be extended at any time to include lands susceptible of irrigation from the same works, provided, however, that a petition be presented to the board of directors, asking for such extension, signed by at least two-thirds of the holders of title or evidence of title, such holders of title, or evidence of title representing not less than two-thirds of said lands in acreage according to the last assessment. When such petition is presented the board shall appoint a day for a public hearing which shall be published for at

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least two weeks in the newspaper published nearest the land. At such public hearing the board shall hear those who may desire changes made in the proposed extension either to include other lands or to exclude any lands from the proposed extension. Such public hearing may be adjourned from day to day not exceeding ten days in all and at the final hearing the board shall make an order either granting or denying said petition, and if said petition is granted, the lands included in said extension shall be accurately described in said order and a copy of said order shall be filed with the county clerk and recorder in the county wherein said lands are situate. The right of appeal to the district court is hereby given to any person in interest said appeal to proceed in the manner provided in Section four of this act.

Power to lease canals, works or water.

Section 37. The board of directors shall have the power, and such board is hereby vested with authority to lease the system of canals and works or water belonging to the district, whenever such leasing may be for the benefit of the district, provided, that when the directors of any irrigation district contemplate the leasing of the canals or works, or water of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made; and further provided, that the board of directors shall require a good and sufficient bond to secure the faithful performance of the lease by the lessees.

Lease to the highest bidder.

Use of water and rights of way, a public use.

Section 38. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, together with the rights of way

for canals and ditches, sites for reservoirs, and all property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

Legal title to all property vested in district.

Section 39. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided.

Apportionment of water.

Section 40. The board of directors shall apportion the water for irrigation among the lands in the district in a just and equitable manner and the maximum amount apportioned to any land shall be the amount that can be beneficially used on said land, and this amount of water shall become and shall be appurtenant to the land and inseparable from the same, provided, however, that any water owner of the district shall have the right to sell or assign for one season any portion of the water not required for use upon the land to which such water belongs.

Shortage of water, the apportionment, to be reduced.

Section 41. In the event of a shortage of water, the amount of water delivered to each particular tract or piece of land shall be reduced in proportion to the amount of water belonging to such land under a full head, share and share alike.

Surplus water.

Section 42. All surplus water shall belong to the district and shall be sold or disposed of by the board for the benefit of the district.

Irrigated lands may be included in district.

Owner entitled to amount of water in prior use and compensation and damages.

Section 43. Any lands already under irrigation either from the same or another source may be included in any district either at the time of the organization of such district or at any time thereafter and such lands shall be entitled to receive and shall be given the same amount of water necessarily used on

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said lands prior to the construction of such district works, and the canals, ditches, flumes, dams. or other works previously used to irrigate such lands may be used or supplanted either wholly or in part by the distract [district?] works, provided, however, that the owner of such lands, canals, ditches, flumes, dams or other works shall be entitled to compensation for any and all damage sustained by reason of the appropriation of the same or by the construction of said district works.

Exchange of water.

Wherever any canal constructed by the district crosses one or more creeks, the water of which are used to irrigate land lying below such canal, the district shall have the right to supply such lands below the canal, whether such lands are included in the district or not, with water from the canal and the owner or lessee of such land shall in such case be furnished with the same quantity of water as that to which he would be entitled out of the creek had the district works not been built. The district shall have the right to take possession of the water so replaced and shall have the same right to such water as the owner of the land had, and the district shall also have the right to change the point of diversion and to sell, lease or use such water on any land either above or below the canal and such change of point of diversion or selling or leasing or using shall not prejudice the right of the district to the water and shall not increase the rights of any other water right on the creek. The Board of Directors shall have and is hereby given the right to include any lands in the district either by an extension of the district as provided in Section 36 of this Act, or by proceedings instituted in the district court having jurisdiction, but nothing herein contained shall be deemed to authorize such district to appropriate or damage any lands or other property or to interfere with any vested right without first having acquired the right to do so in the manner provided by law for the taking of private property for public use.

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Irrigated lands included in district not to be charged with any assessments for construction.

Section 44. Where lands already under irrigation are included in any district the water and irrigation works irrigating the same belonging to the owner of said lands, such lands shall not be charged with any assessment for construction, or for payment of the interest or principal of any bonds issued to secure money for construction of such district irrigation works, but such lands shall be assessed for administrative and maintenance purposes the same as other lands in the district.

Contracts for construction.

Section 45. The construction of all irrigation works of every kind whatsoever, amounting to five thousand dollars or more shall be done by contract and before any such contract is let the board of directors shall employ competent engineers to make surveys, plans, maps and estimates of of the work to be done and such surveys, plans, maps and estimates shall include everything necessary to show the entire cost in detail of everything necessary to complete the works required to irrigate all of the irrigable lands under the proposed system. Notice of any contract to be awarded shall state where plans and specifications may be seen and shall be published at least once a week for three successive weeks in a newspaper published in the county containing the greater portion of the district. Sealed bids shall be called for in such published notice and bids shall be opened in public and contract, if awarded shall be awarded to the lowest responsible bidder who shall be required to give bond for the faithful performance and completion of the contract. The construction of every such irrigation works including all labor and material necessary to complete the same shall be let in one contract and no such contract shall be entered into by the board of directors until sufficient funds have been secured for the district to discharge the obligation of the contract in full.

Surveys, plans and estimates.

Advertisement for bids.

Awarding of contract.

Funds must be secured, before contract is awarded.

Section 46. Where funds are to be raised by the issuance of bonds for the construction of irrigation

works, the contract for the construction of such works shall not be awarded until such bonds have been sold and the money received therefor. Provided, however, that the board of directors may in thier [their?] discretion receive proposals for the construction of said irrigation works giving bonds at par to the contractor or contractors in payment for the construction of the works, which contract shall include all labor and material required to fully complete the works. Notice of the awarding of such contract and the terms and conditions thereof shall be duly published as provided in Section 45 of this Act.

Proviso.

Publication of notice.

Section 47. The board of directors shall require good and sufficient security upon any and every contract or award to insure the full and faithful performance of the same.

Bond of contractor.

Section 48. The board of directors shall have power to construct the said irrigation works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersection and crossing; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land for public use. But nothing herein contained shall require the payment to the State, or any subdivision thereof, of any sum for the right to occupy or cross any public

Right of way.

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highway with any such works. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this State within the district.

State water rights dedicated.

Navigation or vested rights not impaired or affected.

Section 49. Navigation shall never in any wise be impared by the operation of this act, nor shall any vested interest in or to any mining water rights or ditches, or in or to any water rights, or reservoirs or dams now used beneficially by the owners or possessors thereof in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly, in carrying on or promoting the mining industry, ever be affected by or taken under its provisions save and except that the rights of way may be acquired over the same.

Section 50. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

Exemption from taxation.

Section 51. The rights of way, ditches, flumes, pipelines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district shall not be taxed for state and county or municipal purposes.

Bond issue election.

Section 52. For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of

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directors of any such district may at any time call a special election, at which shall be submitted or may submit at any regular district election to the electors of such district, possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. At such election each elector shall be entitled to cast the number of votes as provided in Section 10 of this act. Notice of such election must be given by posting in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; provided that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. The result of such election shall be declared and entered of record on the minutes of the board of directors. If the majority of the votes cast are "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued. In the event that said bonds are voted to be issued, the board of directors shall enter on its records at length all facts in relation to said election and the notices thereof and a copy of the minutes of said board pertaining to said election duly verified by the President and Secretary shall be filed for record in the office of the County Clerk and such record shall be accepted in any court in this State as establishing prima facie the facts therein contained.

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Character of bonds.

Section 53. All bonds issued under the provisions of this act shall be payable in gold coin of the United States and shall be payable thirty years after date with privilege reserved to the district of paying after twenty years. Said bonds to bear interest at a rate not to exceed seven per cent per annum, which shall be payable at such place and such times as may be fixed by the board of directors.

Interest.

Bonds issued a lien upon the lands.

Section 54. All bonds issued under authority of this act shall be a lien upon the particular lands for the irrigation of which said bonds are issued; and all such lands shall be liable for the payment of both principal and interest of said bonds. Each particular tract or parcel of land being liable in proportion to the amount assessed against such piece or parcel of land under this Act.

Bond issue to be sufficient to complete works.

Section 55. Before calling an election on the question of issuing bonds the board of directors shall first employ competent engineers to make surveys, plans, specifications and estimates of the proposed irrigation works and the bonds voted on must be sufficient in amount to fully complete the proposed works of irrigation.

Bonds to realize not less than par.

Section 56. The bonds of any district shall never be sold for less than par.

Form of bonds.

Section 57. Said bonds shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. Each issue shall be numbered consecutively, and bear date at the time of the issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on thier [their?] face that they were issued by authority of this Act, stating its title and date, of approval and shall also state the number of the issue of which such bonds are a part. The secretary and the county clerk and recorder shall each keep a record of the bonds sold, thier [their?] number, the date of sale, the price received. and the name of the purchaser.

Record of bonds.

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Delivery of bonds.

Section 58. In the event that bonds are sold for cash said bonds shall be delivered to the County Treasurer of the County wherein said district is organized, who shall deliver them to the purchaser after making a complete record of the same. The said County Treasurer shall receive the money for said bonds from the purchaser, and shall be the custodian of the same. Said money shall be paid out by the County Treasurer only upon the written order of the board of directors, signed by the President and Secretary. Said money shall be expended for the purposes for which said bonds were voted and for no other.

County Treasurer custodian of money, from bond sale.

Payment of bonds and interest.

Section 59. Said bonds, and the interest thereon, shall be paid, by revenue derived from an annual assessment upon the land of the district; and all the land in the district at the time said bonds are issued shall be and remain liable to be assessed for such payment as hereinafter provided.

Annexation and assessment of other lands.

Section 60. Where a district is extended after the construction of works of irrigation, to include other irrigable lands, the director shall fix the just amount which said new portion shall pay to the older portion of the district toward the cost of such original works of irrigation. The landowners in the new portion of the district shall have power to issue bonds which shall relate only to the lands in said new portion of the district and the directors may accept said bonds or any portion thereof in payment of the amount due the older portion of the district from the new portion The remainder of said bonds if any, shall be used to extend the works of irrigation into the new portion of the district. All assessments for the payment of both principal and interest of the said issue of bonds shall be made against the lands in the new portion of the district, which said lands shall be particularly described in an order of the board of directors, filed of record in the office of the County Clerk and Recorder in the County in which the lands are situated.

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Proceedings in issue and sale of bonds, for annexed lands.

Section 61. All proceedings had for the issuance and sale of bonds or construction of works of irrigation as authorized in the last two preceding sections, shall be conducted in the same manner and form as provided in this act for original districts. And such bonds shall be in all respects similar to regular district bonds. "Except that the words 'first extension' (or if more than one issue of such bonds are voted, the word 'first' shall be changed to correspond with the number of the extension) shall be printed on the face of such bonds."

Assessments of annexed lands, how paid.

Section 62. Where a district is extended to include other lands the landowners in the new portion shall have the option of paying the amount found to be due the original district, either in bonds or in cash realized from a special assessment levied upon the lands in the new portion of the district. Such special assessment shall be levied after a petition praying for the same and signed by at least ninety per cent of the landowners in interest shall have been presented to the board. In the event that the money for such payment is not raised by special assessment the board of directors shall call an election of the landowners in the new portion of the district at which the question of issuing bonds shall be voted on, and if at said election a majority of the votes cast are in the affirmative, the board shall proceed as otherwise provided in this act, but if a majority of the votes cast at said election are in the negative no further proceedings shall be had, and the boundaries of the district shall not be extended.

Sinking fund.

Section 63. All money or bonds received by any district on account of the original cost of irrigation works, either from new portions of the district or from other sources, shall be placed to the credit of the sinking fund to pay the bonds of the district outstanding, but if there be no bonds outstanding, then such credits shall go to the maintenance fund.

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Action in District Court to review action of Board of Directors.

Section 64. Any party interested shall have and is hereby granted the right to institute and maintain an action in the district court of the County in which the land or property affected is situated for the purpose of having reversed, modified, changed or set aside any order or act of the board of directors in any manner whatsoever. If such land affected by such order is situate in more than one county then action shall be brought in the county where the owner thereof resides, or if he resides in neither of said counties, then said action shall be brought in the county containing the greater portion of the land affected. If more than one action shall be pending at the same time involving the same question, such actions may, in the discretion of the court, be consolidated and tried together.

Action, where brought.

Consolidation of actions.

Annual assessment, how made.

Section 65. The Board of Directors shall annually assess all lands in the district fixing the value of each particular tract according to the value of such tract for irrigation irrespective of improvements and such valuation for irrigation shall be fixed according to the increased value of such tract by reason of such irrigation as compared to other irrigated lands in the district.

Date of annual assessment and levy.

Section 66. The annual assessment of all district lands shall be completed on or before the second Monday in July of each year and the Board of Directors shall within ten days thereafter fix the levy for all district purposes and such levy shall be divided as follows: To pay general and administrative expenses of the district including expenses of the first election and all warrants outstanding for preliminary work.

Levy, how divided.

To pay any special assessment theretofore ordered at any district election.

To pay all charges for maintenance and repairs.

To pay interest on bonds and for a sinking fund to redeem such bonds.

Rate to be paid according to assessed value.

Section 67. All lands in each district shall pay at the same rate for all purposes for which such lands

are chargeable and the total amount to be paid by each tract shall be in proportion to the assessed value of such tract as fixed by the Board of Directors.

Notice of assessment.

Section 68. The Board of Directors of each district shall mail to each assessment payer in the district not later than the first Monday in August a notice of the amount to be paid by such assessment payer for all purposes, and the books and records of the district showing all assessments and the amount charged against each person or tract of land shall be open at all reasonable hours to the inspection of every assessment payer of the district.

Board of equalization.

Section 69. The directors shall sit as a board of equalization on the first Monday in September at some convenient place in the district, due notice of such meeting to be given by publication in a newspaper published nearest the district for at least two weeks prior to said meeting. Said meeting may be adjourned from day to day or to other points in the district, provided due notice of such change of place be given in the published notice of the meeting. The board shall hear all parties in interest, who may appear and shall equalize all inequalities in assessments, according to the true value of the lands for irrigation irrespective of improvements. All decisions of the board to be subject to appeal in the district court, but such decisions to govern pending appeal.

Redemption of bonds.

Section 70. After the lapse of five years after the issuance of any bonds of a district the directors shall levy an annual assessment against the lands on which such bonds were issued equal to one and one half per cent of all bonds outstanding, and after the first ten years of the life of any series of bonds an annual assessment shall be levied against said lands, of three per cent of all bonds outstanding against such lands, the funds collected by said assessments to be put into a sinking fund to redeem said bonds.

Sinking fund, investments.

Section 71. The board of directors shall from time

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to time invest the funds of said sinking fund in interest bearing securities, provided, however, that before any such investment is made the board shall secure an order from the district court authorizing the same.

Separate bond funds.

Section 72. Where more than one series of bonds have been issued by a district, the funds for the payment of each series shall be kept separate and distinct and all assessments to pay interest or principal of any issue of bonds shall be made against the particular lands against which said bonds were issued.

Sale of bond fund securities.

Section 73. Whenever the time arrives when any district has the privilege of redeeming any issue of bonds, that is to say, twenty years after the issue of said bonds, the securities in the sinking fund provided to redeem said bonds shall be sold for cash as readily as may be without sacrifice and said bonds shall be redeemed as rapidly as the accumulations in said sinking fund will permit.

County Treasurer custodian of funds.

Section 74. The County Treasurer of the county wherein any district is organized shall be the custodian of all funds belonging to the district and he shall pay out such funds upon the written order of the board of directors, except as to payments on bonds, for which no order shall be necessary, such orders shall be signed by the president and secretary of the board and shall bear the official seal of the district. Where such orders are for the payment of money for construction work the same shall be accompanied by and attached to the written estimate of the engineer in charge of such construction work.

Payments made on orders signed by officers of board.

Assessment list of district to be furnished the County Treasurer for collection of assessments.

Section 75. On or before the fourth Monday in September of each year the board of directors shall furnish the County Treasurer in each county in which any of the lands of the district are situate, a correct list of all the district lands in such county, together with the amount of the total assessments against said lands for district purposes and the Treasurer of each

county shall collect such assessments at the same time and in the same manner as county and state taxes.

Assessments, how collected when district lies in two counties.

Section 76. Where the lands of any district lie in more than one county the assessments collected in counties containing less than a majority of the lands shall be transmitted on or before the first day of January of each year by the County Treasurer of such county to the County Treasurer of the county containing a majority of the lands. The same being the county wherein said district has its organization.

Sale of lands for delinquent assessments.

Section 77. Delinquent sales of land for unpaid assessments shall be made in the same manner as for state and county taxes in the respective counties where such lands are situate, and the right of redemption shall in all cases be the same as in cases where lands are sold for state or county taxes.

County Treasurer liable on his bond for district funds.

Section 78. The County Treasurer to whom district funds or securities are intrusted shall be liable on his bond for the safe keeping of said funds and securities, and such funds shall be properly divided into the respective funds for which assessments were levied, that

Division of funds.

is to say, Bond interest fund; sinking fund to redeem bonds; maintenance fund; construction fund and general fund. All warrants issued for preliminary expenses and all administrative and organization expenses shall be paid from the general fund. All money received from the sale of bonds shall be placed in the construction fund, and the first cost of constructing works of irrigation in the district including cost of engineering and superintendence shall be paid from said fund. All other expenditures shall be made from the respective funds to which such expenditures belong.

Additional bonds, election for.

Section 79. Whenever in the judgment of the board of directors money is needed to complete or improve any irrigation works in the district, the board may call an election upon the question of issuing additional bonds or upon the question of raising money by a special assessment of the district, but only one of

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these questions shall be submitted at the same election. Such election shall be conducted in all manner as provided in this act for the holding of elections upon the question of issuing bonds and shall be determined and declared in the same manner. If at any election an issue of bonds shall be authorized, said bonds shall be subject to all the provisions contained in this act.

Special assessment when voted may issue warrants against same for eighty per cent of total.

Section 80. If a special assessment shall be voted in any district it shall be added to and collected with the regular assessment of the district, and after any special assessment has been voted and before the collection of the same, the board of directors are hereby authorized and empowered to issue warrants to the amount of eighty per cent of the total special assessment so authorized said warrants to bear six per cent interest and to be payable out of the funds of such special assessment when collected.

Warrants to bear interest.

Lands sold or transferred liable for all assessments.

Section 81. Where any lands in any district are sold or transferred either by mortgage foreclosure, sale or otherwise, such sale or transfer shall include the water belonging to and appurtenant to the land, whether or not the same is expressly stated in the deed, instrument of transfer or decree, and such land shall be liable for all assessments of the district as if such sale or transfer had not been made.

Assessments, how determined.

Section 82. In determining the proper and just assessment to be levied against any land for district purposes, the board of directors or the court shall hold the just measure of all assessments to be the actual increase in value of such land by reason of irrigation as compared to other lands in the district.

Landowner desiring to pay cash.

Section 83. If any landowner in the district shall notify the directors in writing within ten days after election has been carried affirmatively to issue bonds for the construction of irrigation works, that he desires to pay cash for the proportionate share for which his lands are liable for such irrigation works as determined by the board of directors, and as soon as noti-

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fied by the board of directors of the proper amount. shall deposit the same in cash with the County Treasurer in the county wherein said district is organized; then and in that event the board shall withhold from sale bonds equal to the amount paid in by such landowner and the board shall make an order omitting the levy against such land perpetually for bond fund and interest fund, said order shall contain a correct description of the land involved and a copy of the same under the seal of the board shall be filed for record with the county clerk and recorder in the county wherein said land is situated. Such land, however, shall not be exempt from assessments of the district for other purposes.

Action in District Court to determine validity of assessment of bonds.

Section 84. Any district assessment payer may bring an action in the district court of the county where the office of the board of directors is located, to determine the validity of any assessment or any bonds. The board of directors shall be made parties defendant and service of summons shall be made on the president or any member of the board in the absence of the president. Said board shall have the right to appear and contest such action. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be speedily heard and determined.

Speedy trial.

Appeal.

Consolidation of actions.

Section 85. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Court, what to disregard.

Section 86. The court hearing any of the contests herein provided for inquiring into the regularity, legality or correctness of such proceedings must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said ac-

Rules of pleading and practice.

tion or proceeding. The rules of pleading and practice provided by the Code of Civil procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of notice of intention. The costs of any hearing or contest herein provided for may be allowed and apportioned between the parties or taxed to the leasing parties in the discretion of the court.

Motion for New Trial.

Costs.

Violation of duty by district officers.

Section 87. For any wilful violation of any express duty herein provided for on the part of any officer herein named he shall be liable upon his official bond and be subject to removal from office by proceedings brought by the district court of the county wherein the office of the board of directors of the district is located by any assessment payer of the district.

May sell or lease surplus water.

Section 88. The board of directors of any irrigation district shall have power to sell or lease to any other district any surplus water accepting therefor either cash or bonds of the district making the purchase or lease, provided, however, if the amount involved is more than ten thousand dollars the matter must be carried affirmatively at an election held in each of said districts, said election to be conducted in the same manner as otherwise provided in this act.

Price for surplus water, how determined.

Section 89. The price to be paid by any one district to any other district for water shall be based on the cost of the works from which said water is to be taken and shall bear the same ratio to the total cost of said works above the point of diversion as the amount of water taken bears to the total amount of water carried in said works.

Price of water adjudicated in District Court.

Section 90. In the event that any two districts are unable to agree upon a price to be paid for water furnished by one district to the other, the question or questions at issue may be tried in the district court having jurisdiction and such proceeding shall be determined as otherwise provided in this act.

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Transfer of surplus money.

Section 91. In the event of any money remaining in the construction fund after the completion of any district project, the same shall be transferred to the sinking fund for the redemption of bonds.

Transfer of money to funds.

Section 92. The board of directors shall have power to transfer money from any one fund to any other fund, except that no money shall be drawn from the sinking fund or construction fund except as specifically provided in this act.

Lands of State of Montana or U. S. in district not assessable.

Section 93. Any lands belonging to the State of Montana, or to the United States may be included in any irrigation district, but such lands shall not be liable for the payment of any assessments for any purpose until after such lands shall come into private ownership as hereinafter provided. Where any such State or United States lands subject to irrigation in any district are under, lease, or occupied by settlers, such lessee or settler may be assessed for the following purposes, maintenance, administration and interest on bonds. All such assessments shall be a lien upon any crops or products grown on such lands such assessments shall be collected in the same manner as state or county taxes on personal property. In the event that any such state or government land in any district is sold to any person, corporation or company such land shall immediately become liable for all assessments in the same manner as other lands in the district and the water apportioned to said land by the directors shall be appurtenant to the land and inseparable therefrom.

Proviso.

Examination by State Examiner.

Section 94. All books, accounts, records, contracts, securities and business of every kind pertaining or belonging to any district shall be subject to examination by the State Examiner and it is hereby made his duty to examine the same as provided by law for the examination of County offices.

Repealing clause.

Section 95. All Acts and parts of Acts in conflict with this Act are hereby repealed.

When Act takes effect.

Section 96. This Act shall be in force from and after its passage and approval.

Approved March 4, 1907.

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CHAPTER 71.

"An Act to create a disability fund in Cities and Towns of the State of Montana, having a Fire Department, for the benefit of firemen disabled in the line of duty; authorizing Cities and Towns to levy an annual tax for the maintenance of such fund; providing for the organization, government and control thereof, and providing penalties for the violation thereof; and to repeal Sections 8 and 9 of House Bill 17 of the Session Laws of 1899 of Montana, entitled 'An Act to provide for the organization, government and control of a Fire Department for cities and towns, regulating appointments thereto and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon'. Approved March 7th, 1899, and to repeal Chapter CXIII of the Session Laws of 1903 of Montana, relating to the payment of taxes received from Fire Insurance Companies, corporations and associations doing business in the State of Montana, to the maintenance of fire departments. Approved March 7th, 1903."

Be it Enacted by the Legislative Assembly of the State of Montana:

Disability fund for fire departments created.

Section 1. There shall be created and established in each city and town in the State of Montana where there is an established fire department, a fund in the city or town treasury, to be known as the "Disability Fund," of the fire department of said city or town.

Source of fund.

Section 2. The Disability Fund of the fire department of such city or town shall consist of such sums of money as may be derived from the levy of an annual tax for that purpose, levied by such city or town council as hereinafter provided, and donations to the fire department from any source, in land, money, and other valuable gifts. No member of any such fire department of a city or town shall receive any gift of

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money or other valuable thing for his services other than the salary fixed by ordinance; and in the event of any member of such fire department shall receive any gift of money or other valuable thing, the same shall be turned into the said Disability Fund; providing and excepting, however, that any member of such fire department may receive as a gift, any medal, badge, emblem, or other article of adornment, in recognition of individual bravery or heroic action in the discharge of his duties as such fireman.

Tax levy for fund.

Section 3. For the purpose of maintaining said Disability Fund, the city or town council may, in the manner provided for by law, and at the time of the levy of the annual tax, levy a special tax of not to exceed one-tenth of one mill on the dollar upon the assessed valuation of all taxable property within the limits of the said city or town, which said tax shall be collected as other taxes, and when so collected shall be paid into the Disability Fund of said fire department.

Trustees of fund.

Section 4. A board of trustees of said Disability Fund shall be created to consist of the mayor, clerk and attorney of said city or town, the chief of such fire department in said city or town, and one member of the fire department, who shall be selected by a majority of the members of said fire department between the first and tenth day of May of each year in which said city or town shall elect a mayor, and shall hold his position as such trustee during the administration of the then encumbent mayor.

Trustees' duties.

Section 5. The board of trustees of the said Disability Fund shall audit the same from time to time, at least twice during each fiscal year, and report the condition of the said fund annually to the city or town council, on or before the first day of April of each year. No payments shall be made therefrom except upon the order of the council upon the written recommendation of a majority of the board of trustees. The City of Town Council may provide for the invest-

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ment of all or any part of said funds in Bonds of the United States or of the State of Montana, or of the particular city or town in which such fund exists and for the sale of such bonds when desirable. All such bonds shall be deemed part of the City Treasury, and the Treasurer shall be responsible therefor in the same manner as for the moneys of the fund.

Use of fund.

Section 6. Said Fund shall not be used for any purpose whatsoever, other than the relief of firemen of such city or town, who may be disabled in the line of duty in such fire department; nor shall this Act render the City or town liable for such disability, but such fund shall be and remain in such City or Town Treasury, to be drawn upon by the warrant of the Mayor, countersigned by the Clerk, in such sum as may be allowed under the provisions of Section 7 of this Act, for the relief of disabled firemen, until such fund be exhausted, when no further warrant thereon shall be issued.

Benefits, how allowed.

Section 7. Benefits shall only be allowed on the recommendation of the Board of Trustees, or the majority thereof, approved by the City or Town Council. Whenever the Board of Trustees shall recommend to the Council the payment of any benefit to any member of such fire department, disabled in the line of duty, the recommendation shall be in writing, stating the name of the beneficiary, the character of the disability, when, where and how received, and the amount to be paid to such beneficiary. The Benefit paid to any member of such fire department who may be disabled in the line of duty shall be at least a sum equal in amount to the loss of salary and reasonable cost of medicine or medical services incurred by any such member on account of said disability, and in the event of any member of said fire department becoming disabled or maimed for life, or shall suffer death in the line of said duty, the Board of Trustees may, subject to the approval of the Council in each instance,

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make a suitable allowance to the said member or his heirs. It shall be the duty of the City or Town Council to provide by ordinance, a scale of maximum allowances before any benefit can be allowed, and the same shall not be exceeded by the Board.

Embezzlement of fund.

Section 8. Any person who shall embezzle any of the moneys or other valuable things belonging to the Disability Fund of the fire department of any city or town, or who shall take part in or aid in any scheme whereby the said fund may be defrauded, shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the state prison for not less than one nor more than ten years.

Felony.

Penalty.

Act of March 7, 1899, Sections 8 and 9 repealed.

Section 9. That Sections 8 and 9 of House Bill No. 17, of the Session Laws of 1899 of Montana, entitled, "An Act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon," approved March 7th, 1899, be, and the same are hereby, repealed.

Laws 1903, Chapt. CXIII repealed.

Section 10. That Chapter CXIII of the Session Laws of 1903 of Montana, relating to the payment of taxes received from fire insurance companies, corporations and associations doing business in the State of Montana, for the maintenance of fire departments, be, and the same is hereby repealed.

Repealing clause.

Section 11. All Acts and parts of acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1907.

CHAPTER 72.

"An Act to amend Section 666, Title IV, Chapter I, Civil Code, relating to the filing of annual statements by certain corporations."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 666, Title IV, Chapter I, of the Civil Code be, and the same is, hereby amended so as to read as follows:

Civil Code, Section 666 repealed.

Section 666. It shall be the duty of the president, or of the vice-president and secretary of each corporation organized under this chapter or incorporated under any laws of this state, or doing business in this state, annually, on the first day of January of each year, or within sixty days thereafter, to prepare under oath and deposit in the office of the State Auditor, a full, true and complete statement of the condition of such company on the 31st day of December preceding the filing of such statement, which statement shall exhibit the following items and facts in the following forms, viz:

Annual statement of corporations.

1. The amount of capital stock of the corporation.
2. The names of the officers.
3. The name of the corporation and where located.
4. The amount of capital paid up.
5. The property or assets held by the corporation, specifying the value, as near as may be, of the real estate owned by such corporation and the amount of cash on hand and deposited in banks to the credit of the corporation, and in what banks the same is deposited, the amount of moneys, stocks or bonds deposited in any foreign country, State or Territory of the United States for the special benefit of the assured therein; the amount of cash in the hands of agents and in the course of transmission; the amount of loans secured by first mortgages on real estate, with the rate of interest thereon, specifying the location of such real estate and its assessed valuation; the amount of all other bonds and loans, and how secured, with the rate of interest thereon, the amount due the corporation on which judgment has been obtained; the amount

What statement must contain.

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of stocks of this State, of the United States, of any incorporated city of this State, and of any other stock owned by the corporation, specifying the amounts, number of shares, and par and market value of each kind of stock; the amount of stock held by such corporation as collateral security for loans, with amount loaned on each kind of stock, and premium notes paid and unpaid; the amount of interest actually due and unpaid; and all other securities and their value; the amount for which premium notes have been given on which policies have been issued.

Same. 6. The liabilities of such corporation, specifying the losses adjusted and due; losses adjusted and not due; losses unadjusted; losses in suspense and the cause thereof; losses resisted and in litigation; dividends either in scrip or cash, specifying the amount of each declared, but not due; dividends declared and due; the amount required to re-insure all outstanding risks on the basis of fifty per cent. of the premium on unexpired risks under one year, and pro rata, on all unexpired risks having more than one year to run; the amount due banks or other creditors; the amount of money borrowed, and the security therefor; all other claims against the corporation.

Same. 7. The income of the corporation during the previous year, specifying the amount received for premiums exclusive of premium notes, the amount of premium notes received; the amount received for interest; the amount received for assessments, calls on stocks or notes, or premium notes; the amount received from all other sources.

Same. 8. The expenditures during the preceding year, specifying the amount of losses paid during said term, stating how much of the same accrued prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement; the amount paid for dividends; the amount paid commissions; salaries, ex-

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penses and other charges of agents, clerks and other employes; the amount paid for salaries, fees and other charges of office and directors; the amount paid for local, State, national and other taxes and duties the amount paid for all other expenses, expenditures, including printing, stationery, rents, furniture, etc.

9. The largest amount insured in any one risk. Same.

10. The amount of risks written during the year then ending. Same.

11. The amount of risks in force having less than one year to run.

12. The amount of risks in force having more than one and not over three years to run.

13. The amount of risks having more than three years to run.

14. The following question must be answered, viz: "Are dividends declared on premiums received for risks not terminated?"

The State Auditor must withhold or withdraw the certificate of authority from any such corporation neglecting or failing to comply with the provisions of this section. Failure to comply.

Section 2.

All Acts and parts of acts in conflict with this act are hereby repealed. Repealing clause.

Section 3.

This Act shall be in full force and effect on and after December 31, 1907. When Act takes effect.

Approved March 4, 1907.

CHAPTER 73.

"An Act to Prohibit Discrimination by Life Insurance Companies and Providing Penalties for Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. No life insurance company doing busi-

Distinctions and discriminations by life insurance companies prohibited.

ness in this state shall make or permit any distinction or discrimination in favor of individuals residents of Montana between insurants (the insured) of the same class and equal expectation of life in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract it makes; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor or representative thereof, pay, allow or give, or offer to pay, allows or give, directly or indirectly as inducement to insurance, any rebate of premium, payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or any valuable consideration or inducement whatever not specified in the policy contract of insurance; or give, sell or purchase, or offer to give, sell or purchase as inducement to insurance or in connection therewith any stock, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon or any thing of value whatsoever not specified in the policy.

Violation of act.

Penalty.

Section 2. Every corporation or officer or agent thereof which shall violate any of the provisions of this act shall be fined in any sum not exceeding five hundred dollars to be recovered by any action in the name of the state, and on collection to be paid into the county treasury for the benefit of the common school fund.

Disposition of fine.

State Auditor to revoke license for violations.

Section 3. It shall be the duty of the State Auditor, upon investigation by him the offending party being notified and given an opportunity to appear and defend said Auditor after such investigation being satis-

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fied that any corporation, or agent thereof, has violated any of the provisions of this act to revoke the license of the company or agent so offending, and no license shall be granted to such company or agent for one year after such revocation.

Fraternal or secret societies not affected.

Section 4. Nothing in this act shall be construed as affecting fraternal associations or secret societies. which may insure the lives of their members only.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

When Act takes effect.

Section 6. This act shall take effect from and after its passage and approval.

Approved March 4, 1907.

CHAPTER 74.

"An Act regulating Life Insurance Companies and prohibiting the diversion of funds for political purposes.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Life insurance companies, prohibited from contributing funds for political purposes.

No insurance company or association including fraternal beneficiary associations, doing business in this state shall, directly or indirectly, pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint stock or other association organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this act, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or

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knowingly receives any money or property in violation of this act, shall be guilty of a misdemeanor and be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars, and any officer aiding or abeting [abetting] in any contribution made in violation of this act, shall be liable to the company or association for the amount so contributed.

Misdemeanor.

Penalty.

Witnesses exempt from criminal proceedings.

No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding.

Section 2.

Repealing clause.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 3.

When Act takes effect.

This act shall take effect and be in force from and after its passage.

Approved March 4, 1907.

CHAPTER 75.

An Act relating to internal improvements in cities and towns and authorizing the issuance of special improvement district warrants or bonds in payment therefor, and providing for the levy and collection of assessments to pay such bonds and repealing Chapter 73 of the Acts of the Legislative Assembly of Montana, 1905.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Whenever the city or town council of any city or town shall cause any street, avenue, alley or other public place in said city or town to be graded, curbed, guttered, macadamized or paved, or to be repaired, re-macadamized, or re-paved, or shall cause to be constructed thereon or thereunder sidewalks or sewers, or shall cause to be planted thereon or alongside any grass-plots, parking or trees, or shall cause to be done any one or more of the said improvements, or other public improvements of a similar character, the expense of which, or any part thereof, is to be defrayed by special assessment against the property embraced in any special improvement district, the city or town council, instead of levying the entire tax or special assessment for such cost and expense at one time, may, in its discretion, provide for the payment of the cost and expense of the said improvement in installments, and, for such installments, may issue special improvement district warrants, and levy and collect assessments to pay the same under the authority and in conformity with the provisions of House Bill No. 204 of the Fifth Legislative Assembly of the State of Montana, approved March 8, 1897, as amended, and may extend the payment of the installments over a period of not to exceed eight years from and after the completion of the improvement, or the city or town council shall have power to pay for the said improvements by the sale, at not less than their face value, of bonds issued against such improvement district, or by the delivery of such bonds in payment for the work done, as hereinafter provided.

Cities and towns, special improvement districts.

Assessment levy.

Payment by warrants.

Payment by bonds.

Section II.

Whenever the city or town council shall deem it advisable to pay for any of the improvements mentioned in Section I hereof in bonds issued pursuant to

Bonds, how issued, character and form.

the provisions hereof, it shall pass an ordinance providing for the issuance of such bonds, which ordinance shall fix the terms and denomination of the said bonds. The said bonds shall be payable at such times as the said city or town council may provide, not exceeding ten years from and after a date to be fixed by the said ordinance as the date of issuance thereof, and all bonds issued thereunder shall bear the said date, whether delivered before or after it, and shall bear interest from said date at such rate as may be fixed by the said ordinance, not exceeding eight per centum per annum, payable annually, as evidenced by interest coupons thereunto attached. Said bonds shall be of the denomination fixed by the said ordinance, which shall be either of one hundred dollars or multiples thereof, except that the last bond issued may be for the fractional balance due on the contract, and shall be numbered consecutively from one upwards. The bonds shall bear the signature of the mayor, attested by the city or town clerk under the seal of the city or town, and each coupon shall bear an engraved fac simile signature of said officers. Said bonds shall refer in terms to the improvement to pay for which the same are issued and the ordinance providing for their issue, and shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the fund provided by the creation of the said improvement district, and not otherwise. All bonds issued under the provisions of this Act shall recite said fact, and each and every provision hereof shall be a part of the contract created by the issuance of said bonds to the same intent and purpose as if set forth at length in the body thereof.

Section III.

Delivery of bonds.

The said city or town council may provide, by contract with the person or persons, or corporation doing the work or making the improvement for the payment of which said bonds are issued, to deliver the said

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bonds in installments as the said work progresses, or upon the entire completion thereof, and may make such provisions as to it seems best for the securing the faithful performance of the said contract; provided, however, that no bonds must be delivered to the said contractor or contractors, or other persons, in excess of the amount of the work actually done at time of delivery, nor shall the total amount issued be in excess of the total cost and expense of the said improvement, and no bond shall be delivered or received in payment of a less sum than its face value. All expenses of making the said improvement, including survey and supervisions and interest on the installments of bonds delivered from the date of delivery to the date fixed by ordinance as the date of issuance, when so provided by the contract, at the same rate as that fixed in the bonds, shall be considered a part of the expense of said improvement, and bonds in payment therefor may be issued.

Section IV.

Bonds to be registered.

The said bonds, when delivered to the contractor, shall be registered by the city or town clerk in a book to be provided for that purpose, which said register shall show the date and amount of the bond, date of delivery, person to whom delivered, the rate of interest, date of maturity.

Section V.

Levying special assessment for payment of bonds.

When the work is completed for which bonds are issued and delivered under the provisions of this Act, the city or town council shall provide by resolution for the levy of special assessments against the property embraced in said improvement district to pay the entire cost and expenses of making the improvements to pay for which the bonds are issued, which said resolution shall declare that the amount charged thereby against each lot or parcel of land may be paid in equal installments, the number of which installments shall be equal to the number of years which the bonds issued

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may run after the date of issuance, and shall include the interest charges to pay the annual interest payments upon the entire issue of bonds, which said special assessments shall be levied and collected in the same manner as is now provided by law and ordinance for the levy and collection of special assessments for such improvements where warrants are issued in payment thereof, except as herein otherwise provided. Whenever any special assessments levied to pay for the cost and expenses of making improvements for which bonds have been issued hereunder shall be found to be invalid in whole or in part for want of form or insufficiency, informality or irregularity, or nonconformance with the laws and ordinance governing such assessments, the city or town council shall be, and it is hereby authorized to re-levy such special assessments and to enforce their collection in accordance with the provisions of law existing at the time the levy is made. Whenever, for any cause, mistake or inadvertance, the amount assessed shall not be sufficient to pay the cost of the improvement made or enjoyed for the payment of which bonds have been issued, it shall be lawful, and the city or town council is hereby directed and authorized to make re-assessments on all the property included in said improvement district, sufficient to pay the entire cost and expense of making the improvements to pay for which bonds have been issued, such re-assessment to be made and collected in accordance with the provisions of the law and ordinance existing at the time of its levy. No suit to set aside the special assessment provided for herin, [herein] or to enjoin the making of the same, shall be brought, nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the resolution finding the amount due on each lot or piece of ground liable for such assessment is finally adopted.

Payment of special assessments.

Section VI.

The owner of any lot or parcel of land charged with

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any such assessments may redeem the same from all liability for the cost and expenses of such improvement by paying the entire assessment charged against said lot or parcel of land, without interest, within thirty days after notice to him of such assessment, which notice shall be given as follows: The city treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city or town for five days, that said roll is in his hands for collection, and that any assessment therein may be paid at any time within thirty days from date of the first publication of such notice without penalty, interest or cost. The owner of any such lot or parcel of land may redeem the same from all liability for such assessment at any time after said thirty days by paying the entire installments of such assessment remaining unpaid and charged against said lot or parcel of land at the time of such payment, with interest thereon to the date of maturity of the installment next falling due. Where any assessment or installment thereof is paid as herein provided, the same shall be paid to the city treasurer, or to the officer whose duty it is to collect such assessment, and all assessments so paid shall be applied solely to the payment of the cost and expense of such improvement, or the redemption of the bonds issued therefor. Where any lot or parcel of land has been redeemed from liability for the cost of any improvement, as herein provided, such lot or parcel of land shall not thereafter be liable for further special assessment for the cost of such improvement, except as hereinbefore provided in Section V.

Publication of notice of assessment.

Section VII.

The city treasurer shall pay the interest on the bonds issued under the provisions of this Act out of the respective improvement district fund from which they are payable. Whenever there shall be sufficient money in the said improvement dis-

Payment of bonds.

trict fund, against which the bonds have been issued under the provisions of this Act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the city treasurer shall call in and pay such bonds in their numerical order. The call therefor shall be made by publication in one issue of the official newspaper of the city or town on the day following the delinquency of the installment of the assessment, or as soon thereafter as practicable, and shall state that certain bonds (giving the serial number or numbers of bonds called) will be paid on presentation to the city treasurer upon or after a date fixed therein, and interest on said bonds shall cease from and after the date fixed in said notice.

Section VIII.

Delinquent assessments, how collected.

If the owner of any parcel, lot or lots of land, liable for the payment of any bond issued under the provisions of this Act, shall fail to pay any assessment or assessments levied in accordance herewith, when due, the owner of any such unpaid bond or bonds may proceed in his own name to collect such assessments, and foreclose the lien thereof in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds and interest thereon, five per centum per annum, together with the cost of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs, and any number of owners of property on which said delinquent assessments are a lien may be joined as defendants in such suit.

Section IX.

Separate series of bonds for separate contracts.

Whenever any proposed improvement shall consist of separate and distinct kinds of work, requiring performance at separate and distinct times, the city or town council may provide, by resolution, for the letting of the contract for the doing of such work at separate and distinct times, and, in that event, a sepa-

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rate series of bonds for the payment of the cost and expenses incurred under each of the said contracts may be issued as hereinabove provided, which said several series shall, as regards the provisions for the issuance of bonds, levy of assessments, payment of bonds and interest, be treated as separate and distinct issues, but the liens of such said several series upon the property affected thereby shall be of equal rank, the same as if all of the said bonds and the said several series thereof had been issued under the provisions of one ordinance; and the property affected by the levy of the assessment for the several series shall not be finally discharged from the lien of such assessments until the assessments to pay all of the said series have been fully paid and discharged.

Section X.

Bondholders not to have any claim against city.

Neither the holder nor owner of any bond issued under the authority of this Act shall have any claim therefor against the city by which the same is issued, except from the special assessments made for the improvement for which said bond was issued.

Section XI.

Exchange of warrants for bonds.

Whenever any city or town has heretofore entered into a contract providing for the issuance of bonds for the purpose of paying the cost and expenses of district improvements and has issued warrants in lieu of such bonds, such city or town may, by resolution, with the consent of the holders of such bonds or warrants, exchange them for bonds issued under and in accordance with the provisions of this Act; provided, however, that the said bonds so issued under the provisions of this Act shall not exceed in their terms the terms for which such original bonds or warrants were issued.

Section XII.

Laws of 1905, Chapt. 73 repealed.

That Chapter 73 of the Acts of the Legislative Assembly of 1905, entitled: "An Act relating to internal improvements in cities and towns authorizing the is-

suance and collection of special improvement warrants or bonds upon the property benefited by local improvements," be, and the same is hereby repealed;

Proviso.

provided, however, that nothing herein contained shall be construed to affect the validity of any bonds or warrants heretofore issued or contracted to be issued under the provisions of the said Act, nor shall this Act be construed as repealing or modifying any existing law relative to the creation of special improvement districts or the levying and collection of assessments to defray the costs and expenses of such improvements where warrants are issued in payment thereof; but this Act shall be construed as conferring additional and concurrent power and authority.

Section XIII.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1907.

CHAPTER 76.

"An Act to amend Section 66 of the Code of Civil Procedure of the State of Montana respecting the civil jurisdiction of Justices of the Peace."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section **1.**

Code of Civil Procedure, Section 66, amended.

That Section 66 of the Code of Civil Procedure of the State of Montana be, and the same is hereby amended so as to read as follows:

Jurisdiction of Justices of the Peace.

Section 66. The Justice Courts have jurisdiction:

1. In actions arising on contract for the recovery of money only if the sum claimed does not exceed three hundred dollars.

2. "In actions for damages not exceeding three hundred dollars for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of defendant

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involving the title to or possession of the same; in actions for damages not exceeding three hundred dollars for injury to the person, provided that in actions for false imprisonment, libel, slander, criminal conversation, seduction, malicious prosecution, bastardy, abduction and alienation of affections, the Justice of the Peace shall not have jurisdiction."

3. In actions to recover the possession of personal property, if the value of such property does not exceed three hundred dollars.

4. In actions for a fine, penalty, or forfeiture, not exceeding three hundred dollars, given by statute, or the ordinance of an incorporated city, or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine.

5. In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed three hundred dollars, though the penalty may exceed that sum.

6. To take and enter judgment for the recovery of money on the confession of a defendant, when the amount confessed does not exceed three hundred dollars.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 4, 1907.

CHAPTER 77.

"An Act to amend Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, to repeal Section 2396 of said Chapter, relating to the librarians and their salaries, and to add a certain new section to said Chapter III, to be desig-

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nated as Section 2401, relating to assistant librarians and their salaries."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Political Code, Section 2391 amended.

That Section 2391 of Chapter III, Article I, Part III, Title V, Political Code of Montana, be and the same is hereby amended so as to read as follows:

Librarian of Law Library, salary.

Librarian of Historical Library, salary.

Section 2391. The annual salary of the librarian of the Law Library shall be Two Thousand Dollars, and Librarian of Historical Library Eighteen Hundred Dollars, from and after April First, 1907, payable monthly out of the general fund of the State Treasury.

Section II.

Political Code, Section 2396 repealed.

That Section 2396 of Chapter III, Article I, Part III, Title V, Political Code of Montana, be and the same is hereby repealed.

Section III.

Political Code, Section 2401.

That there shall be added to Chapter III, Article I, Part III, Title V, Political Code of Montana, as new enactment, the following additional Section, to be designated as Section 2401:

Assistants to Librarian of Historical Library.

First assistant, salary.

Second assistant, salary.

Qualifications.

Section 2401. The Librarian of the Historical and Miscellaneous Department is hereby authorized and empowered to engage and employ two assistant Librarians for said Department at an annual salary as follows: The First Assistant Librarian shall receive a salary of Twelve Hundred Dollars per annum and the Second assistant Librarian shall receive a salary of Nine Hundred Dollars per annum payable monthly out of the General Fund of the State Treasury. The Librarian of said department and each assistant shall be persons educated and experienced in Library work, and shall be of good moral character;

Section IV.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1907.

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CHAPTER 78.

"An Act to compel Street Railway Companies to Protect Certain of Their Employees From Inclemencies of the Weather, while Performing Services, and Providing Penalties for Violation of the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Street Railway Co.'s to provide protection from the weather for employees.

From and after the first day of December, A. D., 1908, it shall be unlawful for any person, partnership or corporation owning or operating a street railway in this state, or any officer or agent thereof, superintending, managing the said line of railway, or of the cars thereof, operating electric, cable or other cars, propelled either by steam, cable or electricity, which require the constant services, care, or attention of any person or persons on any part of such car, to require or permit such services, attention or care, of any of its employees, (or any other person or persons,) between the first day of November and the first day of May, of each year, unless such person or persons, partnership or corporation, its said officers or superintendents and managing agents, have first provided the said car or cars with a proper and sufficient enclosure constructed of wood, iron or glass, or similar suitable material sufficient to protect such employees from exposure to the inclemencies of the weather, Provided, that such enclosures shall be so constructed as not to obscure the vision of the person operating the car; Provided further that during a fog or fall of snow sufficient to obscure the view of motormen he may be allowed to remove the glass in his immediate front so that same shall not prevent the safe operation of the car.

Proviso.

Proviso.

Section 2.

Same.

From and after said December first, A. D., 1908, it shall be unlawful for any person or persons, partnership or corporation so owning or operating street

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railways using steam, electric or cable cars, or any superintending or managing officer or agent thereof, to cause or to permit to be used upon such line of railway, between the said November first, and May first, of each and every year, any car or cars upon which the services of any employee such as specified in Section one of this Act is required, unless such car or cars shall be provided with the enclosure required by said Section one of this Act, except that any Street Railway Company may at all times of the year run special cars not so protected, not more than four consecutive hours in one day.

Exception.

Section 3.

Any person or persons, partnership or corporation owning, operating or superintending or managing any such line of street railway or managing or superintending officer or agent thereof, who shall be found guilty of a violation of the provisions of Section one or two of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars or more than One Hundred Dollars. Each and every day that any such person or persons cause or permit any of thier [their?] employees to operate such cars in violation of the provisions of Section one of this Act, or cause such cars to be operated in violation of Section two of this Act, shall be deemed a separate offense.

Misdemeanor.

Penalty.

Section 4.

Prosecution of Violators.

It is hereby made the duty of the County Attorney of any County in which any street railway is situated and operated, upon information given to him by any person that any person or persons, partnership or corporation has violated any of the provisions of this act, to promptly prosecute such person or persons, partnership or corporation for such violation.

Section 5.

Repealing clause.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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Section 6.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 4, 1907.

CHAPTER 79.

"An Act to Require An Annual Apportionment and Accounting of Surplus of Life Insurance Companies."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Every life insurance company doing business in this state conducted on the mutual plan, or in which policy-holders are entitled to share in the profits or surplus, shall make an annual apportionment and accounting of divisible surplus to each policy-holder beginning not later than the end of the third policy year on all participating policies hereafter issued; and each such policy-holder shall be entitled to and be credited with or paid, in the manner hereinafter provided, such a portion of the entire divisible surplus as has been contributed thereto by his policy. Life insurance Co.'s to make annual accounting of surplus.

Section 2.

Any life insurance company doing business in this state may accumulate and maintain in addition to the capital and surplus contributed by its stockholders and in addition to an amount equeal [equal?] to the net values of, its policies, computed according to the laws of the jurisdiction under which it is organized, a contingency reserve not exceeding the following respective percentages of said net values, to-wit:—When said net values are less than one hundred thousand dollars, twenty per centum thereof, or the sum of ten thousand dollars, whichever is the greater; when said net values are greater than one hundred thousand dollars, the percentage thereof measuring the contingency reserve Contingency reserve. Percentages.

Per centum for each additional one.

shall decrease one-half of one per centum for each one hundred thousand dollars of said net values up to one million dollars; one-half of one per centum for each additional one million dollars up to ten million dollars; one-half of one per centum for each additional two million five hundred thousand dollars up to twenty million dollars; one-half of one per centum for each additional five million dollars up to fifty million dollars; one-half of one per centum for each additional twenty-five million dollars up to seventy-five million dollars; and if said net values equal or exceed the last mentioned amount, the contingency reserve shall not exceed five per centum thereof;

Proviso.

provided that as the net values of said policies increase and the maximum percentage measuring the contingency reserve decreases such corporation may maintain the contingency reserve already accumulated hereunder, although for the time being it may exceed the maximum percentage herein prescribed, but may not add to the contingency reserve when the addition will bring it beyond the maxium [maximum?] percentage. Provided further that for cause shown the State Auditor may at any time and from time to time permit any corporation to accumulate and maintain a contingency reserve in excess of the limit above mentioned for a prescribed period, not exceeding one year under any one permission, by filing in his office a decision stating his reasons therefor and causing the same to be published in his next annual report.

Proviso.

Companies excepted.

This section shall not apply to any company doing exclusively a non-participating business.

Section 3.

Manner of apportionment, to be selected by policyholder.

Every policy holder shall on all participating policies hereafter issued, be permitted annually to select the manner and method of the application of the surplus to be annually apportioned to his policy from among those set forth in the policy.

All apportioned surplus not actually paid over to

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the insured, or applied in the reduction of current or future premiums or in the purchase of paid-up insurance or pure endowment additions, shall be credited to the insured and carried as an actual liability and be paid at the maturity of the policy.

Section 4.

Default in payment of premium.

In event of default in payment of any premium due on any policy, provided not less than three full years premiums shall have been paid, there shall be secured to the insured without action on his part, either paid-up or extended insurance as specified in the policy, the net value of which shall be at least equal to the entire net reserve held by the company on such policy less two and one-half per centum of the amount insured by the policy and dividend additions, if any, and less any outstanding indebtedness to the company on the policy at time of default.

Right of surrender of policy.

There shall be secured to the insured the right to surrender the policy to the company at its home office within one month after date of default for the cash value otherwise available for the purchase of the paid-up or extended insurance as aforesaid.

Section 5.

Agreement not waiver.

No agreement between the company and the policyholder or applicant for insurance shall be held to waive any of the provisions of this act.

Section 6.

Repealing clause.

All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Section 7.

When Act takes effect.

This act shall take effect and be in force from and after its passage.

Approved March 4, 1907.

CHAPTER 80.

"An Act to Add to Article VI, Chapter III, Title I, Part 3 of the Political Code, a Section to be Numbered 428, Providing for the Cancellation by the

State Auditor, at the expiration of a Specified Period, of all Warrants Returned or Uncalled For.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code, Section 428.

There shall be added to Article VI, Chapter III, Part 3, of the Political Code, a section to be numbered 428, which shall read as follows:

Cancellation of unclaimed warrants by State Auditor.

Section 428. The State Auditor shall cause to be plainly stamped the word "Cancelled because not claimed" upon any warrant issued by him, the owner of which may not have been found within six months after the date of the issue of such warrant, which cancellation shall be by stamp across the face of such warrant in red ink, and shall show the date of such cancellation. Such cancelled warrant shall also be filed in a special place or file in the office of the State Auditor, properly indexed, and shall be separated according to the designated funds shown thereon. The register of warrants in the office of the State Auditor, showing the issue of such warrant, shall show the cancellation of such warrant, and the date thereof, and the proper warrant account shall be charged therewith. Should a person subsequently claim such warrant the State Auditor shall, upon a satisfactory showing that such person is the holder of the claim and is entitled to receive the warrant, issue a lieu warrant to such owner, in the same amount and upon the same fund as that for which the original warrant was drawn, and shall enter such lieu warrant upon the warrant register in the usual manner, and note upon the cancelled warrant the date of the issue of such lieu warrant.

Lieu warrants, how issued.

Section 2.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1907.

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CHAPTER 81.

"An Act to amend Section 3865 of the Civil Code of the State of Montana relating to the period of time for which mortgages of personal property shall be valid; and to amend Section 3866 of the Civil Code of the State of Montana relating to the renewal of mortgages of personal property as amended by Chapter IV, Laws of 1903, approved March 4th, 1903, and as amended by an Act of the Legislative Assembly of the State of Montana, approved February 28, 1905."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 3865 of the Civil Code of Montana relating to the period for which mortgages of personal property shall be valid be amended to read as follows:

Civil Code, Section 3865 amended.

Section 3865. Every mortgage of personal property, made, acknowledged and filed, as provided by the laws of this State, is thereupon, if made in good faith, good and valid as against the creditors of the mortgagor or subsequent purchaser, or incumbrancers, from the time it is so filed until the maturity of the entire debt or obligation secured thereby and for the period of sixty days thereafter. The entire period of the time such mortgages are valid and binding against the creditors of the mortgagor and subsequent purchasers and incumbrancers must not exceed one year and sixty days, except by a compliance with the provisions of the next section.

Chattel mortgage, valid against all creditors or incumbrances.

Period.

Section 2.

That Section 3866 of the Civil Code of the State of Montana relating to the renewal of mortgages of personal property as amended by Chapter IV, laws of 1903, approved March 4, 1903, and as amended by the Act of the Legislative Assembly of the State of Mon-

Civil Code amended Section 3866 amended.

tana, approved February 28, 1905, be and the same is hereby amended to read as follows:

Renewal.

Section 3866. Every mortgage of personal property made, acknowledged and filed as provided by the laws of this State, may be renewed at any time within sixty days after the maturity of the debt or obligation secured thereby, in case such debt or obligation or any part thereof, be unpaid or unfulfilled, by the filing of an affidavit showing the date of such mortgage, the name of the mortgagor and mortgagee, the date of filing the same, the amount of the debt or obligation secured thereby, and the amount of the debt justly owing at the time of filing such affidavit, or the conditions of the obligations unfulfilled, and that such debt or obligation was neither made nor renewed to hinder, delay or defraud the creditors or Subsequent incumbrancers of the mortgagor; which affidavit must be subscribed and sworn to by the mortgagee or his assignee. In case of the absence of the mortgagee or his assignee from the city or township where such affidavit was executed, the affidavit may be made by the agent or attorney in fact of the mortgagee or his assignee. The affidavit must be made before an officer authorized to administer oaths, filed in the office where the mortgage therein described is filed, and thereupon the County Clerk of such County must attach such affidavit to the mortgage therein described and note the date of the filing thereof opposite the entry of the mortgage therein described, in the book provided by the law for the entry of chattel mortgages; and the original mortgage shall then continue to be in full force and virtue for the period of one year after the expiration of the term for which it was originally given; and a like affidavit may be filed within sixty days after the expiration of said period of one year last aforesaid, and the said original mortgage shall then continue to be in full force and virtue for the period of one more year and in addition to the first

Affidavit. contents.

Filing of affidavit.

Period of Renewal.

Additional renewals.

years renewal, and under the same conditions and within the same limitations a like affidavit may be filed to renew the said mortgage for each succeeding year thereafter until the debt secured thereby shall be fully paid.

Provided that in case the debt for which any mortgage is given as a security is payable in two or more installments any one or more of which are to become due and payable after one year from the date thereof, then in such event the affidavit of extension of such mortgage herein provided for must be made and filed within sixty days after the first installment of said debt falls due whether such installment be paid or not and must be made and filed within sixty days after each subsequent installment falls due whether the same be paid or not until the entire debt secured thereby shall be fully paid. And provided further that such installment shall become due and payable not more than one year apart, and the first of said installments shall fall due not more than one year from the date of such mortgage. Proviso. Proviso.

Section 3.

All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4.

This Act shall be in force and take effect after its passage and approval by the Governor. When Act takes effect.

Approved March 4, 1907.

CHAPTER 82.

"An Act to Amend Section 2070 Of The Penal Code Of Montana, And To Repeal An Act Approved February 15, 1901, Relating To Method Of Procedure In The Trial Of Criminal Actions.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section No. 2070 of the Penal Code of the State Penal Code, Section 2070 amended.

of Montana be and the same is hereby amended, so as to read as follows:

Order of trial.

1 The County Attorney must state the case and offer evidence in support of the prosecution.

2. The defendant, or his counsel, may then state his defense and offer evidence in support thereof.

3. The parties may respectively offer rebutting testimony only, unless the Court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

Instructions.

4. When the evidence is concluded, if either party desires special instructions to be given to the jury, such instructions shall be reduced to writing and numbered by the party, or his attorney, and together with a written request asking the same, and signed by the party, or his attorney, delivered to the Court. At all times prior to charging the jury the instructions to be given shall be, without the presence of the jury, settled by the court, at which settlement counsel for the parties shall be allowed reasonable opportunity to examine the instructions requested and proposed to be given by the Court, and to present and argue to the Court objections and exceptions to the adoption or rejection of any instruction offered by counsel or proposed to be given to the jury by the Court. On such settlement of the instructions the respective counsel, or the parties, shall specify and state the particular ground on which the instruction is objected or excepted to, and it shall not be sufficient in stating the ground of such objection or exception to state generally that the instruction does not state the law, or is against law, but such ground of objection or exception shall specify particularly wherein the instruction is insufficient, or does not state the law, or what particular clause therein is objected to.

Settlement of instructions.

Objections to instructions.

The Court shall pass upon the objection to the instructions requested and also those proposed to be given by the Court, and shall either give each instruc-

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tion as requested or positively refuse to do so, or give the instruction requested with a modification, and shall mark or endorse upon each instruction offered and requested by the parties in such manner that it shall distinctly appear what instructions were given in whole or in part, and in like manner those refused or modified, and if modified, wherein the modification consisted. The Court shall also give the instructions as originally proposed to be given by the Court, or as modified, and all the instructions given by the court, together with those refused, must be filed as a part of the record of the cause.

Duty of Stenographer.

The court stenographer shall be present at such settlement and shall take down all the objections and exceptions of the respective counsel to all or any of the instructions given or refused by the court together with the modifications made therein, and the ruling of the court thereon, and at the close of the trial such objections and exceptions taken during the settlement, together with the ruling of the court thereon, must be written out at length or printed in type by the stenographer and filed with the Clerk forthwith, and thereafter such exceptions may be settled in a bill of exceptions as provided in Section 2171 of the Penal Code of Montana, or an Act of the Eighth Legislative Assembly of the State of Montana Entitled "An Act to Provide for the Settlement of Bills of Exception taken before or after trial in Criminal Cases and to Provide for the Review by the Supreme Court on Appeal of Proceedings, Evidence and Matters Contained in Such Bills of Exception," approved February 26th, 1903.

New trial.

No motion for new trial on the ground of errors in the instructions given shall be granted by the District Court unless the error, so assigned was specifically pointed out and excepted to at the settlement of the instructions, as herein provided; and no cause shall be reversed by the Supreme Court for any error in instructions which was not specifically pointed out and

excepted to at the settlement of the instructions herein specified, and such error and exception incorporated in and settled in the bill of exceptions as herein provided.

Court to charge jury.

5. When the instructions have been passed upon and settled by the court, and before the arguments of counsel to the jury have begun, the court shall charge the jury in writing, giving in such charge only such instructions as are passed upon and settled at such settlement. In charging the jury, the court shall give to them all matters of law which it thinks necessary for its information in rendering a verdict.

Argument.

6. When the jury has been charged, unless the case is submitted to the jury, on either side, or on both sides, without argument, the plaintiff must commence and may conclude the argument. If several defendants, having several defenses, appear by different counsel, the court must determine thier [their?] relative order in the evidence and argument. Counsel, in arguing the case to the jury, may argue and comment upon the law of the case, as given in the instructions of the court, as well as upon the evidence of the case.

Section 2.

Act of February 15, 1901, repealed.

That an Act approved February 15th, 1901, entitled "An Act to amend Section No. 2070 of the Penal Code of Montana, relating to the method of Procedure in the trial of Criminal Actions," and all Acts and parts of Acts in conflict herewith be and the same are hereby repealed.

Repealing clause.

Section 3.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1907.

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CHAPTER 83.

"An Act authorizing the appointment of a third assistant to the Attorney General, and authorizing the employment of an additional stenographer for the Attorney General's office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Third Assistant Attorney General.

The Attorney General of the State of Montana is hereby authorized and empowered to appoint a third assistant at a salary of Twenty-five Hundred Dollars per annum, and an additional stenographer at a salary not exceeding Twelve Hundred Dollars per annum, in the event the work devolving upon his office and the public service seems to require it.

Salary.

Additional Stenographer.

Section 2.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4, 1907.

CHAPTER 84.

"An Act relating to banking, brokerage, exchange, loan and deposit business and amending Section 986 of the Penal Code of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Penal Code, Section 986 amended.

That Section 986 of the Penal Code of the State of Montana be, and the same is hereby amended to read as follows;

"Section 986. No bank, banking house, exchange broker, individual banker, deposit office or firm, company, corporation, or party engaged in the banking, broker, exchange, loan or deposit business shall accept or receive on deposit, or for safe keeping, or to loan, with or without interest, from any person, any money

Banking houses or repositories, not to receive deposits when insolvent.

or any bills, notes or any paper circulating as money, or any notes, drafts, bills of exchange, bank checks or other commercial paper, for safe keeping or for collection, when such bank, banking house, exchange broker, individual banker, deposit office, firm company, corporation, or party is unsafe and insolvent.

Violations of Act.

If any such bank, banking house, exchange broker, individual banker, deposit office, or firm, company, corporation or party, shall receive or accept on deposit, or for safe keeping or to loan, with or without interest, from any persons, any money or any bills of exchange, bank checks or other commercial paper, drafts, notes or other paper circulating as money, or any notes, for safe keeping or for collection, when unsafe or insolvent, any officer director, cashier, manager, principal, agent, clerk, party or managing party, thereof, knowing or having reason to know, of any such unsafeness or insolvency, who shall knowingly receive or accept, be accessory to, or permit or connive at, or receive or accept on deposit therein or thereby, any such deposits, money or property as aforesaid, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not less than one year or more than twenty years.

Felony.

Penalty.

Section 2.

But the passage and approval of this act and the amendment as herein provided shall not constitute a bar to the prosecution of an act or offence heretofore committed in violation of said Section 986, but said act or offense and the person committing the same may be prosecuted, indicted, or informed against, and punished, the same as if this act had not been passed.

Section 3.

When Act takes effect.

This act shall take effect and be in full force from and after its passage and approval.

Approved March 4, 1907.

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CHAPTER 85.

"An Act to provide for the appointment of a Commissioner to compile and revise the Codes and other laws of Montana, to provide for the publication of such Codes, to provide for the compensation of such Commissioner and to make an appropriation therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the Governor of the State is hereby authorized to appoint some competent and qualified person with full power and authority to compile and revise the Political Code, Civil Code, the Code of Civil Procedure and the Penal Code of the State of Montana, and the General Statutes passed by the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th regular sessions of the Legislative Assemblies of the State of Montana, and all other acts and parts of acts which are not repealed by any of the four codes or by any of the Session Laws, or adjudged unconstitutional by the Supreme Court of Montana; and it shall be the duty of the said Commissioner to compile, revise and arrange under proper headings, subjects and chapters, in the Civil Code, the Penal Code, the Code of Civil Procedure and the Political Code all laws of a permanent and general nature which shall be in force after the adjournment of the 10th Legislative Assembly, with authority to rearrange the chapters in the respective Codes, to renumber and transpose such sections, and to provide other and different head notes to Chapters.

Appointment of Commissioner to revise and compile Codes and Statutes of Montana.

Duties.

Section 2.

The said Commissioner shall be appointed on or before the 1st day of April, 1907, and shall enter upon the discharge of his duties on or before the 1st day of May, 1907, and shall hold office for a period of two years following after his appointment.

Date of Appointment.

Term of office.

Section 3.

Oath of office.

Before entering upon the discharge of his duties the said Commissioner shall take and subscribe the oath of office provided by Section 1010 of the Political Code, to be filed in the office of the Secretary of State

Section 4.

Division into Codes.

The Commissioner shall divide the laws into four codes, which shall be the same as the present codes, and shall make for each of the said codes a new, complete,

Index.

working index to the contents thereof, alphabetically arranged and of sufficient particularity to refer to each section contained in such codes, and the subjects thereof; which index must be printed and bound in its appropriate volume; and must make a new, general index of like completeness, which must be printed and bound in one of said volumes.

Section 5.

Additional matter.

Said Commissioner is hereby authorized and instructed to prepare with said Codes for publication, and in the first part of the first volume, a copy of the Constitution of the United States and the State of Montana; the Declaration of Independence; the Organic Act of the Territory of Montana; the Act for admission of Montana as a State; the laws of Congress, relating to naturalization and the authentication of the laws and records, together with an index of each of the foregoing.

Section 6.

Date of enactment of Statutes.

In compiling and receiving said statutes of the 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th Legislative Assemblies, the Commissioner must add a note to each section showing the date of its enactment.

Section 7.

Not to change or modify.

This Act shall not be construed as giving said Commissioner power to change, modify or make any law or laws, but only as giving him full power and authority to complete a full revision and compilation of the laws of the State.

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Section 8.

Said Commissioner shall receive the sum of Four Thousand (4,000) Dollars in full compensation for his services in compiling and revising and indexing the said codes and laws and for preparing the same for printing and in reading and correcting the proofs of all matters therein contained. Said Commissioner shall upon the completion of each of said codes and the filing thereof with the Secretary of State, receive the sum of One Thousand (1,000) Dollars for services for compiling each of such codes and the State Auditor, upon the certificate of the Secretary of State, is directed to draw his warrant in favor of said Commissioner for the sum of One Thousand (1,000) Dollars for such services for each of such codes, and the State Treasurer is directed to pay the same.

Compensation.

How paid.

He shall be furnished by the State Board of Examiners with the necessary stationery and supplies for the purpose of such work, and not less than two copies of each of the present codes and three copies of each of the 4th, 5th, 6th, 7th, 8th, 9th, and 10th Session Laws.

Section 9.

Said Codes and laws as compiled and revised by the said Commissioner shall be annotated by the publisher thereof, which annotation shall show by proper and appropriate references all decisions of the Supreme Court of Montana, commenting upon or in any way referring to any section of the laws or Constitution of Montana, up to the first day of June, 1907, and annotations to the decisions of the Supreme Court of California; referring to or in any way construing laws of that State where such laws are similiar [similar?] to the laws of Montana. Such annotations shall state only the title of the case and the names, the number of volume and page of report containing such decisions.

Annotations.

Section 10.

The said code when so revised and compiled, shall be known as and referred to as the Revised Codes of

Title of Codes and manner of publication.

Montana of 1907, and shall be published in two volumes, equal in size, quality and paper, press work and binding, and similiar [similar?] in respect to the type used in the present codes.

Section 11.

Publication and annotation to be contracted for.

The State Furnishing Board of the State of Montana shall, upon the completion of the work of said Commissioner, contract for the publication and annotation of said codes, as specified in this Act, contracting with the publishing house who will annotate the laws as provided for in this Act and publish same on the terms most expeditious and advantageous to the State, which contract must not exceed the sum of Twelve Thousand (12,000) Dollars for the publication and annotation of one thousand sets, containing three thousand and five hundred pages or less, and Two (2) Dollars for each additional page.

Maximum price of contract.

Section 12.

Contract to specify.

The contract shall specify that one thousand sets shall be printed, published and delivered to the Secretary of State, on or before the 1st day of April, 1908.

That the publishers shall keep on hand, and for sale, at a price not to exceed Fifteen (15) Dollars per set, a sufficient number of copies of said codes to supply all demands for a period of not less than eight years.

That the publisher shall also make and keep on hand a full and complete set of stereotype matrices of each and every page of type used in printing the codes.

Section 13.

Payment of contract price.

On the certificate of the Secretary of State that he has received one thousand sets of said codes, printed and bound in accordance with said contract, the auditor of the State is directed to draw his warrant in favor of the publisher of said codes for the amount of money due to him under said contract, and the Treasurer of the State is hereby authorized to pay the said warrant out of any moneys in his hands not otherwise appropriated.

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Section 14.

The publisher to whom said contract is awarded must execute to the State of Montana a good and sufficient bond in the sum of Ten Thousand (10,000) Dollars conditioned for the faithful performance of said contract. Bond of publisher.

Section 15.

The Secretary of State, upon receipt of said published codes, shall distribute the same, or so many of them as may be necessary, in the same manner and to the same officers and offices as Session Laws are distributed. Distribution of copies of Codes.

Section 16.

The sum of Sixteen Thousand (16,000) Dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the compensation of such Commissioner and the cost of such publication and annotation of said Code as herein provided. Appropriation.

Section 17.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 4, 1907.

CHAPTER 86.

"An Act to Amend Section 402, Article V, Chapter III, Part III, Title I, of the Political Code, providing for the distribution of published copies of the Senate and House Journals."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1

That Sec. 402 Article five, Chapter three, Part three, Title one, of the Political Code be and the same is hereby amended to read as follows:— Political Code Section 402 amended.

Section 402. Immediately after the laws, resolu-

Distribution of copies of Senate and House Journals.

tions, and journals mentioned in subdivision 9 of the preceding section, are bound, the secretary of state must distribute the same as follows:

1. To each department of the government at Washington and of the government of this state, one copy.

2. To the library of congress and the state library, two copies each.

3. To the State Historical and Miscellaneous Library one hundred and fifty copies.

4. To each of the states and territories, one copy.

5. To the members of congress, to the United States district judge, to each of the judges of the supreme and district courts, and to each of the state officers of this state, one copy.

6. To the lieutenant-governor, each member of the legislative assembly, secretary of the senate, and chief clerk of the house of representatives at the session at which laws and journals were adopted, one copy.

7. To each of the incorporated colleges of the state, and to the state university, one copy.

8. To the county clerk of each county three copies for the use of the county.

9. To each county attorney and to each clerk of the district court, one copy.

Approved March 4, 1907.

CHAPTER 87.

"An Act to Amend Section 670 of Chapter 1, Title IV, of the Civil Code, Relating to Insurance Companies."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Civil Code Section 670 amended.

That Section 670, Chapter 1, Title IV, of the Civil Code is hereby amended to read as follows:

Insurance Companies.

Section 670. It shall not be lawful for any insurance company, association, or partnership, organized or associated for any of the purposes specified in this Chap-

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ter, incorporated by, or organized under the laws of any other state, or the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of two hundred thousand dollars of actual paid up capital, exclusive of any assets of any such company as shall be deposited in any other states or territories, or foreign countries, for the special benefit or security of the insured therein; any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall appoint one attorney in fact; in each county in which agencies are established resident at the county seat, and shall file with the State Auditor a written instrument, duly signed and sealed, authorizing such attorney in fact of such company to acknowledge service of process, for and in behalf of such company in the State consenting that such service or process, mesne or final, upon such attorney shall be taken and held as valid as if served upon the company to the laws of this state, or any other territory or state, and waiving all claim of right or error by reason of such acknowledgment or service, and also a certified copy of their charter or deed of settlement, together with a statement under the oath of the president or vice-president, or other chief officer, and the secretary of the company for which they may act, stating the name of the company and the place where located, the amount of its capital with a detailed statement of the facts and items, as required from companies organized under the laws of this State, as per Section 583 hereof; such statement shall also show to the full satisfaction of the State Auditor that said company, if organized without the United States of America, has deposited in some one of the United States or Territories a sum not less than one hundred thousand dollars for the special benefit or security of the assured therein, and shall file also a copy of the last annual report, made under any law of the State,

Capital.

Attorney in fact.

Service of process.

Copy of Charters.

Statement.

Contents.

Copy of annual statement.

Territory or foreign country by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the liabilities, as stated in Section 583 of this Chapter, to the extent of twenty per cent. thereof while such deficiency shall continue; Provided, That plate glass, accident, steam boiler and live stock insurance companies shall not be required to have a larger capital than one hundred thousand dollars actually paid up.

Impaired capital.

Proviso.

Section 2.

All acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 4, 1907.

CHAPTER 88.

An Act to amend Sections 1270, 1355, 1360, 1408, 1410, 1412, and 1414 of the Political Code of the State of Montana, and Sections 1354 and 1361, of the same Code, as amended by House Bill No. 59, of the Laws of 1901. Approved March 7, 1901, relating to ballotts [ballots?], voting and election returns, and providing further protection for the voter while preparing his ballot and casting the same.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Political Code Section 1270 amended.

That Section 1270 of the Political Code of the State of Montana be and the same is hereby amended to read as follows:

Polling precincts to be provided with ballot box or canvas pouch.

Section 1270. There shall be provided at the expense of the county, for each polling precinct, a sub-

stantial ballot box or canvas pouch with a secure lock and key for the ballots and detached stubs as hereinafter provided for. There shall be one opening, and no more in such box or canvas pouch, of sufficient size to admit a single folded ballot. The adoption of the canvas pouch to be used instead of the ballot box, in any precinct, shall be optional with the commissioners of each county, but in such precincts where pouches are so adopted, the pouches shall be returned to the county clerk together with the other election returns, as by law provided.

Optional.

Section II.

That Section 1354 of the Political Code of the State of Montana, as amended by House Bill No. 59 of the Laws of 1901, approved March 7, 1901, be, and the same is hereby amended so as to read as follows:

Political Code amended Section 1354 amended.

Section 1354. Ballots prepared under the provisions of this Chapter must be white in color and of a good quality of paper, and the names must be printed, thereon, in black ink. The ballots used in any one county must be uniform in size, and every ballot must contain the names of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of this Title, and no other names. The list of candidates of the several parties shall be placed in separate columns of the ballot, in such order as the authorities charged with the printing of the ballots shall decide. As near as possible the ballot shall be in the following form: (stub herinafter [hereinafter?] provided for in this section.)

Ballots.

Form and arrangement of.

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.....(Perforated line).....

DEMOCRATIC	REPUBLICAN	LABOR PARTY
For Governor	For Governor	For Governor
☐ Joseph K. Toole	☐ John E. Richards	☐ Fred Whiteside
☐	☐	☐
For Lieut. Governor	For Lieut. Governor	For Lieut. Governor
☐ Frank G. Higgins	☐ Alex. C. Botkin	☐
☐	☐	☐
For Sec. of State	For Sec. of State	For Sec. of State
☐ Geo. M. Hays	☐ Louis Rotwitt	☐ W. R. Allen

and continuing in like manner as to all candidates to be voted for at such election.

Nominee's name to appear under but one party designation.

Every ballot must also contain the name of the party, or principal, which the candidate in the respective columns represent, as contained in the certificates of nomination: provided, however, that, where any person is nominated for the same office by more than one party or convention, his name shall be placed upon the ticket under the designation of the party which first nominated him, unless he declines, in writing, one or more of such nominations, or by written election indicates the party designation under which he desires his name to be printed, or if he was nominated by more than one party or convention at the same time shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed a written election indicating the party designation under which he desires his name to be printed on the ballot, and it shall be so printed. If he shall fail or neglect to so file such an election, the officer with whom the certificate of nomination is required to be filed shall

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place his name under the designation of either of the parties by which he was nominated, but under no other designation whatever, and no person, who has been nominated by petition or otherwise, shall have his name printed upon the ticket if the same already appears under a party designation. Below the names of candidates for each office, there must be left a blank space large enough to contain as many written names of candidates as there are persons to be elected. There must be a margin on each side of at least half an inch in width, and a reasonable space between the names printed thereon, so that the voter may clearly indicate, in the way hereinafter provided, the candidate, or candidates, for whom he wishes to cast his ballot. The ballot shall be printed on the same leaf with a stub, and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be of sufficient depth to allow the following instructions to voters to be printed thereon, such depth to be not less than two inches from the perforated line to the top thereof, upon the face of which stub shall be printed, in type known as brevier capitals, the following: "This ballot should be marked with an "X" in the square before the name of each person or candidate for whom the elector intends to vote. In cases of a ballot containing a constitutional amendment, or other question to be submitted to a vote of the people, by marking an "X" in the square before the answer of the question or amendment submitted. The elector may write in the blank spaces, or paste over another name, the name of any person for whom he wishes to vote, and vote for such person by marking an "X" in the square before such name. On the back of the stub shall be printed or stamped by the county clerk, or other officer whose duty it is to provide the ballots, the consecutive number of the ballot, beginning with number "1", and increasing in regular numerical order

Stub of ballot.

Instructions for marking ballots on stub.

Numbered stub

to the total number of ballots required for the precinct.

Ballots to be uniform.

All of the official ballots of the same sort, prepared by any officer or board for the same balloting place, shall be of precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed in black ink of the same tint, so that when the stubs, numbered as aforesaid, shall be detached therefrom it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort, and the names of all candidates printed upon the ballots shall be in type of the same size and character. Whenever the Secretary of State has duly certified to the county clerk any question to be submitted to the vote of the people, the county clerk must print the ballot in such form as will enable the electors to vote upon the question so presented in the manner in this Title provided. The county clerk must also prepare the necessary ballots whenever any question is required by law to be submitted to the electors of any locality, and any of the electors of the state generally, except that as to all questions submitted to the electors of a municipal corporation alone, the city clerk must prepare the necessary ballots.

County Clerk to prepare all ballots.

Exception.

Section III.

Political Code Section 1355 amended.

That Section 1355 of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Ballots, number of to be provided.

Section 1355. The county clerk must provide for each election precinct in the county one and one-half times as many ballots as there are electors registered in the precinct. If there is no registry in the precinct, the county clerk must provide ballots to the number of one and one-half times the number of electors who voted at the last preceding election in the precinct. He must keep a record in his office, showing the exact number of ballots, with numbered stubs attached, that are delivered to the judges of each precinct. In municipal elections it is

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the duty of the city clerk to provide ballots as specified in this Section.

Section IV.

That Section 1360 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code Section 1360 amended.

Section 1360. At any election the judges of election must designate two of their number whose duty it is to deliver ballots to the qualified electors. Before delivering any ballot to an elector, the said judges must print on the back, and near the top of the ballot, with the rubber or other stamp provided for the purpose, the designation "official ballot" and the other words on same, as provided for in Section 1356 of this Chapter; and the clerks must enter on the poll lists the name of such elector and the number of the stub attached to the ballot given him. Each qualified elector must be entitled to receive from the judges one ballot.

Judges of election, duties.

Clerks' duties.

Section V.

That Section 1361 of the Political Code of the State of Montana, as amended by House Bill No. 59, of the Laws of 1901, approved March 7, 1901, be, and the same is hereby amended so as to read as follows:

Political Code amended Section 1361 amended.

Section 1361. On receipt of his ballot the elector must forthwith, without leaving the polling place and within the guarded rail provided, and alone, retire to one of the places, booths or compartments, if such are provided, and prepare his ballot. He shall prepare his ballot by marking an "X" in the square before the name of the person or persons for whom he intends to vote. In case of a ballot containing a constitutional amendment, or other question to be submitted to the vote of the people, by marking an "X" in the square before the answer of the question, or amendment submitted.

Elector's duties in preparing and casting his ballot.

The elector may write in the blank spaces, or paste over any other name, the name of any person for whom he wishes to vote, and vote for such person by mark-

Same.

ing an "X" before such name. No elector is at liberty to use or bring into the polling place any unofficial sample ballot. After preparing his ballot, the elector must fold it so the face of the ballot will be concealed and so that the endorsements stamped thereon may be seen, and hand the same to the judge in charge of the ballot box, who shall announce the name of the elector and the printed or stamped number on the stub of the official ballot so delivered to him, in a loud and distinct tone of voice. If such elector be entitled then and there to vote, and if such printed or stamped number is the same as that entered on the poll list as the number on the stub of the official ballot last delivered to him by the ballot judge, such judge shall receive such ballot, and, after removing the stub therefrom in plain sight of the elector and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots, and the stubs in a box for detached ballot stubs. Upon voting, the elector shall forthwith pass outside the guard rail, unless he be one of the persons authorized to remain within the guard rail for other purposes than voting.

Judge of election, reception of ballot.

Section VI.

Political Code Section 1408 amended.

That Section 1408 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Election returns by Judges, how made.

Section 1408. The judges must, before they adjourn, enclose in a strong envelope, securely sealed up and directed to the county clerk, the check lists, all certificates of registration received by them, one of the lists of the persons challenged, one of the poll books, one of the tally sheets and the official oaths taken by the judges and clerks of election; and must enclose in a separate package or envelope, securely sealed up and directed to the county clerk, all detached stubs from ballots voted, and all unused ballots with the num-

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bered stubs attached; and must also enclose in a separate package or envelope, securely sealed up and directed to the county clerk, all ballots voted, including all voted ballots which, for any reason, were not counted or allowed, and endorse on the outside thereof "Ballots Voted." Each of the judges must write his name across the seal of each of said envelopes or packages.

Section VII.

That Section 1410 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code Section 1410 amended.

Section 1410. The sealed envelope containing the check lists, certificates of registration, poll book, tally sheets, oaths of election officers; also the package or envelope containing the ballots voted, and the one containing the detached stubs and unused ballots, must, before the judges adjourn, be delivered to one of their number, to be determined by lot, unless otherwise agreed upon.

Delivery of election returns.

Section VIII.

That Section 1412 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code Section 1412 amended.

Section 1412. Upon the receipt of the packages by the county clerk, he must file the one containing the ballots voted and the one containing the detached stubs and unused ballots, and must keep them unopened and unaltered for twelve months, after which time, if there is no contest commenced in some tribunal having jurisdiction about such election, he must burn such packages, or envelopes, without opening or examining their contents.

Filing of ballots and stubs by County Clerk.

Section IX.

That Section 1413 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code Section 1413 amended.

Section 1413. If, within twelve months, there is such

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a contest commenced, he must keep the packages or envelopes unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy them, unless the same are, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of their contents, in which event the packages or envelopes and their contents are in the custody of such tribunal.

Contest.

Section X.

Political Code, Section 1414 amended.

That Section 1414 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Filing of returns.

Section 1414. The envelopes containing the check lists, certificates of registration, poll book, tally sheets and oaths of election officers must be filed by the county clerk and be kept by him, unopened and unaltered, until the Board of County Commissioners meet for the purpose of canvassing the returns, when he must produce them before such board, where the same shall be opened.

Canvass.

Section XI.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section XII.

When Act takes effect.

This Act shall be full force and effect from and after its passage.

EDWIN L. NORRIS.
President of the Senate.
E. W. KING,
Speaker of the House.

IN THE SENATE.

March 4, 1907.

The above and foregoing Senate Bill No. 35, received from the Governor with his objections thereto appearing. Objections read and bill passed notwithstanding the objections of the Governor.

Transmitted to the House.

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This Bill having been returned by the Governor with his objections thereto, and after reconsideration having passed both Houses by the constitutional majority, became a law on the 4th day of March, 1907.

EDWIN L. NORRIS,
President of the Senate.

E. W. KING,
Speaker of the House.

In the Senate.

March 4, 1907—Returned by the Governor without his approval.

March 4, 1907—Passed by the Senate by a two thirds vote over the veto of the Governor.

March 4-07—Transmitted to the House.

In the House.

March 4, 1907—Received from the Senate with the veto message of Governor attached.

March 4, 1907—Passed by the House by a two thirds vote over the veto of the Governor. Returned to the Senate.

Filed March 5, 1907.

A. N. YODER, Secretary of State.

CHAPTER 89.

"An Act to amend Part III, Title VII of the Code of Civil Procedure by adding thereto Sections 2234 and 2235 relating to the taking of land for temporary banking grounds or for temporary logging roads; requiring that the length of time for which such lands are taken and the dates shall be fixed by the Commission or Court and that after the expiration of such time the said lands shall revert to the party from whom the same were taken; requiring that all damages fixed shall be paid in advance; requiring that any lessee of such lands be made party to any such action and empowering the Court to apportion any compensation to be received, between the various parties in interest."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Code of Civil Procedure Sections 2234, 2235.

That there be and is hereby added to Part III, Title VII of the Code of Civil Procedure two Sections as follows:

Eminent domain. Temporary logging roads.

Section 2234. In the event that temporary roads for logging purposes or grounds for banking purposes are opened or taken, the same shall include only the temporary right to use the same and the order of condemnation for said road, shall fix the length of time and the date from which such road shall be opened, or land shall be used and at the expiration of said period so fixed, the right to use said road or land shall cease, and the use of said land shall revert to the party from whom the same is taken, or to his legal successor in interest. Provided that no lands or grounds shall be taken for such temporary logging roads or banking grounds for a period of time longer than five years, and when taken for a period of time exceeding one year the amount of damage for such year shall be fixed separately and the amount fixed for each particular year must be paid on or before the first day of January of each year, and in the event that the amount so fixed for any one years not paid as herein specified then and in that event, the use of such lands shall revert to the party from whom the same is taken or to his successor in interest.

Order of condemnation to fix length of time for use.

Not to exceed five years.

Damages, how fixed and paid.

Amount of assessed damages to be paid in before land can be used.

Section 2235. In any suit for the opening of any temporary logging road or for the use of any ground or land for banking purposes, the Court shall not finally order the opening of such road nor the right to use such land or ground until the amount assessed as damages has been paid into Court for the benefit of the party or parties owning or holding such land, and in the event that any such land is occupied by a lessee such lessee shall be made a party to the suit, and the final decree of the Court shall apportion the amount

Lessee a party to the suit.

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of compensation received, between the lessee and the owner of such lands, such decree being subject to the right of appeal of any party in interest.

Section 2.

This Act shall be in force and effect from and after its passage and approval.

When Act takes effect.

Note by the Secretary of State. This bill having remained with the Governor five days and the Legislative Assembly being in session it has become a law this fifth day of March, 1907.

A. N. YODER,
Secretary of State.

CHAPTER 90.

An Act prescribing the manner in which directors, trustees and other officers of a corporation may resign.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Any director, trustee or other officer of a corporation, may resign his office by delivering to the secretary or president of the corporation, or depositing in the Post Office, in an envelope securely sealed, with the necessary amount of postage prepaid thereon, and addressed to the corporation, at its principal place of business, his written resignation, and filing in the office of the clerk and recorder of the county where the principal office or place of business of the said corporation is situated, a duplicate of the said resignation, together with an affidavit of the delivery or mailing of said reignation, [resignation?] as above specified, or an acknowledgment of service thereof and by publishing in two consecutive issues of the official paper of the county where said company may be doing business, a notice of said resignation, and the director, trustee, or other officer shall upon such filing and publication

Resignation of directors or officers of corporations, manner of.

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no longer be responsible for any act or default of the corporation, or of the other officers thereof, occurring after the date of said filing, provided, however, that any director, trustee, or other officer, shall also comply with the by-laws of the corporation relating to resignations of directors or officers. This act shall apply to resident directors of foreign corporations having a place or places of business in this state, as well a [as?] to directors and other officers of domestic corporations.

Section II.

Repealing clause.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section III.

When Act takes effect.

This Act shall take effect and be in force on and after the first day of June, 1907.

Approved March 5, 1907.

CHAPTER 91.

An Act, entitled: "An Act regulating and prescribing the manner of measuring hay in stack to determine tonnage."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Measurement of hay in stack.

That, from and after the passage of this law, unless otherwise agreed to between the contracting parties, the following shall constitute the legal measurement for hay in stack in the State of Montana:

Number of cubic feet to constitute a ton.

Four hundred twenty-two (422) cubic feet shall constitute a ton of clean, native, blue joint hay, after thirty days and up to three months settlement in stack; but, when the same shall have been over six months in the stack, three hundred and forty (340) cubic feet shall be considered a ton.

As to all other kinds of hay, after the same shall have settled in stack from sixty days up, five hundred and

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twelve (512) cubic feet shall constitute a ton of alfalfa or rough slough grass, after the same shall have been in the stack thirty (30) days and up to one (1) year. Four hundred and fifty (450) cubic feet shall constitute a ton of clean timothy and clover after the same shall have been in the stack thirty days, and up to one year.

Method of measurement.

Making measurements of hay in stack, the following is hereby made the legal method of measurement, to-wit: The width and length of the stack shall be measured, and the distance from the ground against one side of the stack to the ground against the other side of the stack, directly over and opposite, shall be taken in linear feet and inches, and then the width shall be subtracted from the measurement over the stack, as above indicated, the result divided by two, and the result so obtained multiplied by the width, and the result thus obtained multiplied by the length, which will give the number of cubic feet contained in the stack, and the tonnage shall thereupon be determined by dividing the total number of cubic feet by the number of cubic feet allowed under the provisions of this Act for a ton.

Section II.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section III.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1907.

CHAPTER 92.

An Act concerning dependent and neglected children, and concerning the parents, guardians or other persons responsible for the custody, care, maintenance and support of such children, and their punishment for the neglect of such children.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

"Delinquent child" or "neglected child."—Defined.

For the purpose of this Act, the words "dependent child" or "neglected child" shall mean any child of the age of sixteen (16) years, or under that age, who is dependent upon the public for support, and who is destitute, homeless or dependent, or who has no proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill-fame, or in any house of prostitution, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child, or whose environment is such as to warrant the state, in the interest of the child, to assume its guardianship or support.

Section II.

District. Courts to have jurisdiction.

The District Courts in the several counties in the state shall have original jurisdiction in all cases coming within the terms of this Act. In all trials under this Act, any person interested therein may demand

Jury trial.

a jury, or the judge of his own motion may order a jury to try the case. Any person interested in any cause under this Act shall have the right to appear therein and be represented by counsel; all cases within the provisions of this Act shall be known as "Juvenile Cases."

Section III.

Petition of officer.

Any officer of the State Bureau of Child and Animal Protection, or any person who is a resident of the county, having knowledge of a child in his county who appears to be a dependent or neglected child, may file with the clerk of the District Court a petition in writing, setting forth the facts which constitute the child dependent or neglected, which petition shall

Verification.

be verified by an affidavit of the petitioner. It shall be sufficient if the affidavit is upon information and

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belief. The court may, upon its own motion, or on the application of any person interested, require that such petitioner set forth an additional information as to the parentage or relatives of such child, or the cause of its dependency, as to the court may seem necessary and proper to the ends of justice, or the proper disposition of any such case; provided, however, that when any such child, within the provisions of this Act, is in immediate or apparent danger of violence or serious injury, or it is apt to be removed from the jurisdiction of the court for the purpose of evading proceedings under this Act for its protection, any officer of the State Bureau of Child and Animal Protection, or any sheriff, may take immediate custody of such child without any process whatever; but, in any such case, it shall be the duty of said officer, within forty-eight hours thereafter, to file a petition and proceed as herein provided for. In any such case, the court may provide for the temporary care and custody of such child pending the final hearing and disposition of such case.

Emergency cases.

Section IV.

Upon the filing of such petition, if it shall appear that one or both of said parents, or guardian if there be no parent, reside in said county, the judge of said court shall issue a citation fixing the day and time of hearing of such petition, which shall be served upon one or both of said parents or guardian, if any, if either can be found in said county, not less than two days before the time fixed for said hearing, requiring them to appear on said day and hour and show cause, if any, why said child should not be declared, by said court, to be a dependent or neglected child, and sent to the State Orphans' Home, or otherwise cared for. In case it shall appear by said petition that neither of said parents are living, or do not reside in said county, or in case one or both of said parents, or guardian, in case there be no parents, shall endorse on said petition a request that the child be

Procedure.

Citation.

declared to be a dependent child, then the citation herein provided for need not be issued, and the court may thereupon proceed to the examination and hearing provided for. It shall be the duty of the officer receiving such citation to use diligence to find and serve the same on one or both of said parents, or upon the guardian, who shall represent such child in court; and in case there is neither of these found, then the court shall appoint an officer of the Bureau of Child and Animal Protection, or some responsible taxpayer of said county to represent said child in court, and the court may also appoint an Attorney to represent said child. In case one or both of said parents of such child appear in court, it shall be the duty of the District Judge to explain to the one so appearing the effect of an order of court, sending their child to the State Home, or declaring it to be a dependent child. In case any dependent child is taken away from its parents or guardian under the provisions of this Act, such parent or guardian shall thereafter have no right over or to the custody, service or earnings of said child, except upon condition, in the interest of such child, as the court may impose, or where upon proper proceedings, such child may lawfully be restored to the parents or guardian.

Service of citation.

Section V.

That on such hearing or examination, the child shall be brought before said court, whereupon it shall be the duty of said court to investigate the facts and ascertain whether said child is a dependent child, its residence, and, as far as possible, the whereabouts of the parents, guardian or nearest adult relatives; when and how long the child has been maintained, in whole or in part, by public or private charity; the occupation of the parents, if living; whether they are supported by the public, or have abandoned their child; and to ascertain, as far as possible, if the child is found dependent, the cause thereof. The court may compel the atten-

Hearing.

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dance of witnesses upon such examination; and it shall be the duty of the county attorney of the county, when requested by the court, to appear in any such examination in behalf of the petitioner. It shall be the duty of the county attorney, upon the request of the court, or any petitioner, to file petitions and conduct the necessary proceedings in any case within the terms of this Act. Any friend of the child may appear in its behalf. Witnesses.

Section VI.

Upon the hearing of any such case, if the said child shall be found to come within any of the provisions of Section I of this Act, it shall be deemed a dependent child, and an order may be entered committing it to the State Orphans' Home; and if said Home is unable to receive said child, or if, from any other reason, it shall appear to be to the best interest of said child, the court may make such disposition of said child as seems best for its moral and physical welfare. Order of Court on hearing.

Section VII.

In any case where the court shall award any dependent child to the care and custody of any association or individual, in accordance with the provisions of this Act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall, by and with the consent of the court, have authority to place such child in a suitable family home, with or without any indenture, and may, by attorney or agent, appear in any court, where adoption proceedings are pending, and assent to its adoption. Such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. The guardianship provided for herein shall not include the guardianship of any estate of the child. Any association or individual receiving the care, custody and guardianship of any such child shall be subject to visitation or inspection by the State Child to be ward of custodian. Visitation.

Bureau of Child and Animal Protection, or any officer or person appointed by the court for such purpose, and

Report of guardian.

the court may, at any time, require from such association or person a report or reports containing such information or statements as to the judge may seem proper and necessary, to be fully advised as to the care, maintenance, moral or physical training of the child, as well as the standing or ability of such association or individual to care for such child. The court

Change of guardian.

may change the guardianship of such child, if, at any time, it is made clear to the court that the same is detrimental to the child, or unsatisfactory to the court. In providing guardianship under the terms of this Act for any dependent child, the court may, as far as practicable, provide such guardianship as conforms to

Religious faith.

the religious faith of the parents of the child. If, in the opinion of the court, the causes of dependency of any child may be removed under such conditions or supervision for its care, protection and maintenance as may be imposed by the court, so long as it may be for its best interest, the child may be permitted to remain in its own home and under the control of its own parents, parent or guardian, subject to the jurisdiction and direction of the court, the condition imposed, and reasonable visitation of the officer, or person appointed by the court for that purpose. When necessary, and when it shall appear to the court that it is no longer to the interest of such child to remain with such parent, parents or guardian, the court may proceed with the final disposition of the case.

Section VIII.

Causing dependency.

In all cases where any child shall be a "dependent child" or a "neglected child," as defined by the statues [statutes?] of this state, or by this Act, the parent or parents, guardian or other person or persons responsible in law for its care, custody, maintenance or support, who shall by any act cause, contribute to or encourage such dependency, or who shall by failing,

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refusing or neglecting without legal excuse or good cause, to care for, maintain, support, guard and protect, contribute to, cause, permit the delinquency or neglect of such child or who shall by reason of failing, refusing or neglecting to do and perform any of his or her, or their legal duties or obligations to such child, cause, encourage, or contribute to the neglect or to the delinquency of such child, shall be guilty of a misdemeanor, and, upon trial and conviction thereof, shall be fined in a sum not exceeding six hundred ($600.00) Dollars, or imprisoned in the county jail for a period not exceeding nine months, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Section IX.

The court may suspend any sentence hereunder or release any person sentenced under this Act from custody, upon condition that such person shall furnish a good and sufficient bond or undertaking to the State of Montana, in such penal sum, not exceeding two thousand ($2,000.00) dollars, as the court shall determine, conditioned for the payment of such amount as the court may order, not exceeding twenty-five ($25.00) dollars per month for each child for the support, care and maintenance of such child while under the guardianship or in the custody of any individual or any public, private or State Home, institution, association or orphanage to which the child may have been committed or entrusted under the provisions of the laws of the state concerning dependent and neglected children.

Suspended sentence.

Condition.

Bond.

Section X.

The court may also suspend any sentence imposed under this Act, and may permit any dependent child to remain in the custody of any such person found guilty, upon conditions to be prescribed or imposed by the court as may seem most calculated to remove the cause of such dependence or neglect, and while such conditions are accepted and complied with by

Same.

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any such person, such sentence may remain suspended and such persons shall be considered on probation in said court. In case a bond is given as provided herein, the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

Section XI.

Forfeiture of bond.

Upon the failure of any such person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term of any jail sentence imposed in any such case shall commence from the date of incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served.

Execution of original sentence.

Section XII.

Recovery on bond.

It shall not be necessary to bring a separate suit to recover the penalty of any such bond so forfeited; but the court may cause a citation to issue to the surety or surities [sureties?] thereon, requiring that he or they appear at a time named therein by the court, which time shall be not less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or surities [sureties?] thereon, as in civil cases; and, upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the State of Montana against such surety or sureties. Any moneys collected or paid upon any such execution or in any case upon said bond, shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of the child or children for whose

Judgment.

Disposition of amount recovered.

dependency such conviction was had, in such manner and upon such terms as the District Court may direct; provided, that if it shall not be necessary, in the opinion of the court, to use such fund, or any part thereof, for the support and maintenance of such child, the same shall be paid into the county treasury and become a part of the funds of such county.

Section XIII.

Liberal construction of act

Purpose of act.

This Act shall be liberally construed, to the end that its purposes may be carried out, to-wit: That proper guardianship may be provided for in order that the child may be educated and cared for, as far as practicable, in such manner as it best subserves his moral and physical welfare, and, as far as practicable, in any proper case that the parent, parents or guardian of such child may be compelled to perform their moral or legal duties in the interest of the child, and in case of failure to perform said duties, that they may be properly punished therefor.

Section XIV.

Act, how construed.

Nothing in this Act shall be construed to repeal any portion of Chapter II. Title IX, Part I, of the Penal Code of the State of Montana, or any amendments thereof; nor shall anything in this Act be construed to repeal any law provided for the support by parents of their minor child, and nothing in said laws shall prevent proceedings under this Act, in any proper case.

Section XV.

Jurisdiction of Justice Court.

Whenever the District Court in and for any county of this state is not in session, a sworn complaint may be filed before any justice of the peace, or a police magistrate, in said county against any person for a violation of any of the provisions of this Act, and in case any person is arrested and brought before such justice of the peace, or police magistrate, he shall have jurisdiction as an examining and committing magistrate only, and the proceedings before such justice of

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the peace, or police magistrate, shall be such as are prescribed in Chapter VII, Title III, Penal Code of Montana, as far as consistent with the purposes of this Act; but no child held by said justice or magistrate pending a hearing, or committed by him after hearing to await the action of the District Court, shall be confined in a common jail or locked up, but such child shall be cared for and held in the same manner as is provided for the care and custody of such child or children in cases pending before a District Court, and the justice or magistrate shall be empowered to make the proper orders in such cases provided.

Section XVI.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1907.

CHAPTER 93.

An Act, entitled: "An Act relating to bounty on stock destroying animals, and to prevent fraud in the payment of the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Bounty claim certificate, how made.

That, hereafter, any applicant for bounty claimed for the killing of any stock destroying animal, under the laws of the state, shall, in his own hand writing, fill up all blanks in the affidavit by law required to be made by such claimant of bounty, and, in stating in such affidavit the number of any kind of such animals upon which bounty is claimed, the said applicant shall state the number by writing the same in letters and, also, in parenthesis, in the figures; but, in the event that such applicant for bounty shall be unable to write, the blanks in such affidavit may be written and filled in for him by any other person, save and except the officer before whom such applica-

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tion for bounty is made. The person so writing for any bounty claimant, who is unable to write and fill in the blanks of his own affidavit, shall write his name below the name of the claimant upon such affidavit.

Section II.

Witness to bounty certificate.

Any tax payer upon livestock becoming a witness in support of any bounty claim shall, in his own hand writing, fill in all blanks in the affidavit to be by him subscribed, and, at the same time, the number of the several animals whose hides are exhibited to the said witness at the time of applying for such bounty, and shall write such numbers in the said affidavit both in letters and figures; but, in the event that any such person acting as witness is unable to write, then such affidavit may be filled out in the manner prescribed in Section I of this Act.

Section III.

Erasure or obliteration on certificate renders it null and void.

No officer shall hereafter, at any time, issue any bounty certificate or duplicate bounty certificate which has herein [therein?] any erasure or obliteration of any ink writing upon the same, and the making of any erasure or obliteration of any ink writing upon the same, or any affidavit in support of any bounty certificate shall render such certificate null and void.

Section IV.

When Act takes effect.

This Act shall be in full force and effect from and after its passage.

Approved March 5, 1907.

CHAPTER 94.

An Act to provide for the tallying of cattle shipped from the State, and to facilitate the inspection of same at the market points.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Stray cattle, shipment of.

That every person, agent, firm, corporation, pool or

round-up association who shall ship cattle from this state may ship with their own cattle any strays which may be among them, but they shall, before shipment or at the time of loading same on the cars for shipment, carefully and as accurately as possible, inspect or tally the brand on such cattle, whether their own or strays, making a list in duplicate, which list shall state the date of loading, name of shipper, description of brands on each animal, number and class of each brand, destination, name of commission firm to whom consigned, and the name of person in charge of shipment; one copy of this list to be filed with the railroad agent at point of loading, who shall, in turn, forward the same to the Board of Stock Commissioners, at Helena, within two days after shipment, and another copy to be immediately mailed to the State Stock Inspector at point of destination.

Duties of shipper.

Section II.

That every person in charge of, or who accompanies such shipment as the shipper in charge, shall take an accurate description, including the brands of each and every animal whether dead or alive taken out of shipment in transit between original loading point and final destination, and shall hand such description to the State Stock Inspector at such point of destination immediately upon arrival of the shipment in the stock yards.

To take description of any animal taken out during shipment.

Section III.

The Stock Inspector appointed to inspect Montana cattle at any cattle market outside of this state shall be duly commissioned by the State Board of Stock Commissioners, and shall be qualified and have power and authority to inspect any or all cattle that may come from this state to the market where he may be located, having the same power as other stock inspectors within the state to inspect and seize any stock which he may have reason to believe is stolen, or upon which brands have been altered or obliterated.

Inspectors of Montana cattle outside of state, powers and duties.

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and shall have authority to take the proceeds of any animal in dispute or bearing altered or burned brands, remitting such proceeds to the State Board of Stock Commissioners, who shall hold same pending a decision as to ownership, and such stock inspector shall, upon receipt of the certified lists mentioned in Section I and II of this Act, make inspection of the cattle so listed, and, if upon comparison of such list with his own inspection, he shall find any difference or discrepancy, he shall make a second inspection of any animal or animals upon which the two tallies do not agree, clipping the animal when necessary to determine, accurately and definitely, which inspection or tally is correct, and he shall forthwith make inspection report to the State Board of Stock Commissioners, stating in detail wherein any discrepancies with the loading tally exist, and calling especial attention to his own inspection of such animal or animals and he shall, on his own report, make mention of any and every animal with the brands thereon which were taken out by the shipper in charge of the stock while in transit between the original loading point and point of final destination; all such reports to be entered in a suitably bound book and be, at all times, open to public inspection.

Section IV.

Blanks for tallying cattle to be furnished free to shippers.

The State Board of Stock Commissioners shall have printed the necessary blanks for the tallying of cattle at loading point as provided in Section I of this Act, and shall furnish same free to shippers on application. The expense of such printing to be paid out of the Stock inspector and indemnity fund.

Section V.

Failure of shipper or stock inspector to comply with Act.

Any person, agent, firm, corporation, pool, or round-up association who shall ship cattle from this state, and shall fail to make such inspection or tally at point of loading, or who shall fail to file a true and correct tally, to the best of their knowledge and belief, of

all the brands of cattle in such shipment with the railroad agent at the point of shipment, or who shall fail to forward a true and correct copy, duly signed by them as parties making the shipment, to the Stock Inspector at point of destination, or any person who shall accompany a shipment of cattle as the shipper in charge from this state, and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at point of destination, or any stock inspector at market points who shall fail to make inspection as provided in Section III of this Act, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than fifty ($50.00) dollars, nor more than five hundred ($500.00) dollars, for each and every offense. The fines so collected to be turned in the general fund of the county where conviction is had, and any stock inspector, sheriff, or other police officer, shall have power to make arrests to enforce the provisions of this Act.

Misdemeanor.

Penalty.

Disposition of fine.

Section VI.

When Act takes effect.

This Act shall take effect and be in force from and after its passage.

Approved March 5, 1907.

CHAPTER 95.

An Act providing for the parole of prisoners confined in the State Prison, and authorizing the State Board of Prison Commissioners to grant paroles to such prisoners, subject to certain conditions and regulations, to be provided for by the said State Board.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Parole of prisoners in State Prison.

The Governor may recommend and the State Board of Prison Commissioners may parole any inmate of the State Prison, under such reasonable conditions and

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regulations as may be deemed expedient, and adopted by such state board; providing, however.

First: That no convict shall be paroled who has been previously convicted of a felony other than the one for which he is serving sentence, either in this state or elsewhere. Proviso.

Second: That no convict serving a time sentence shall be paroled until he shall have served at least one-half of his full term, not reckoning his good time; except that any convict serving a time sentence may be paroled after he shall have served, upon his term of sentence, twelve and one-half years. Proviso.

Third: No convict, serving a life sentence, shall be paroled until he shall have served twenty-five years, less the diminution which would have been allowed for good conduct had his sentence been for twenty-five years, and then only by unanimous consent, in writing, of the members of the Board of Pardons. Proviso.

Section II.

All such convicts, while on parole, shall remain in the legal custody and under the control of the State Board of Prison Commissioners, and subject at any time to be returned to the State Prison, either for breach of the conditions of his parole, or otherwise, and the written order of such Board of Prison Commissioners, certified by the State Prison Contractors, or the Warden or other officer in charge of the State Prison, shall be sufficient warrant to any officer to retake and return to actual custody any such convict. Geographical limits wholly within the state may be fixed in each case of parole, and the same shall be enlarged or reduced according to the conduct of the prisoner: provided, that such paroled prisoners shall be required to report in writing to said Board of Prison Commissioners at least once in every three months, stating their post office address, the nature and kind of work or employment in which they are engaged, or in which they have been engaged since the

Paroled prisoner to remain in legal custody and control of Board of Prison Commissioners.

Return to custody.

Geographical limits of parole.

Report of paroled prisoner.

Contents.

last report, and such other information and facts as may be required by the rules and regulations of said Board.

Section III.

Applications for parole.

In considering applications for parole, the State Board of Prison Commissioners shall not entertain any petition, or receive any written communication, or hear any argument from any attorney or other person not connected with said State Prison, in favor of the parole of the prisoner, but the State Board may institute inquiries by correspondence, or otherwise, as to the previous history or character of such prisoner.

Board may institute inquiries.

Section IV.

Repealing clause.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section V.

When Act takes effect.

This Act shall be in full force and effect from and after its approval by the Governor.

Approved March 5, 1907.

CHAPTER 96.

An Act, entitled: "An Act regulating public livestock markets, and providing for the inspection of all livestock sold at such markets at auction or otherwise."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Markets for sale of livestock.

That, hereafter, any person, firm, corporation or association of individuals desiring to establish, maintain or conduct a market for the sale of horses or other livestock at public auction, or otherwise, shall keep a full and complete record book in which must be recorded the name or names of any person, corporation or association of individuals bringing to the said market, or offering for sale at such market, any horses or other livestock, together with a description thereof

Record of owners of stock offered for sale and description of same.

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as to their kind and the brand thereof. And, if requested by the sheriff of the county or a stock inspector, in case question arises respecting ownership, particular description shall be recorded showing, in addition to the brand, the color and sex of such animals; and, in addition, such record shall clearly show the name of the person for whom such animal or animals were sold, the date of the sale, and the person to whom such animal or animals were sold, and the particular character of the animal or animals. Such record book must be open for inspection by the public for persons interested at any and all reasonable times.

What record must show.

Section II.

The stock inspector of the county or district, or the sheriff of any county in this state and the State Veterinarian, or any person duly appointed and representing the State Board of Stock Commissioners may enter upon the premises where any such livestock are being held, or sold, and be accorded every facility, by the owners thereof, in determining whether any violations of the law are being made, or are likely to be made, by any person, association or corporation whatsoever. Provided, however, that such inspection shall not unnecessarily interfere with the conduct of the sales; and that no horses, or other livestock, so sold at such market shall be delivered to the purchaser until he shall first have received an inspection certificate issued by one of the officers hereinabove designated for the inspection of such livestock, showing clearly and explicitly that the person making such inspection, as herein authorized, is satisfied as to the ownership of such livestock and the health of all animals so sold.

Inspection of markets to be made.

Proviso.

Inspection certificate must accompany delivery of livestock to purchaser.

Section III.

Should the person herein authorized to inspect such livestock at any such sale find any of the animals afflicted with an infectious or contagious disease, he shall immediately take possession of such animals and place

Quarantine of diseased animals.

them in quarantine to be thereafter disposed of as may be directed by the State Veterinary Surgeon.

When ownership of animal is questionable inspector may take possession

And, in the event there is any question arising respecting the ownership of any animal sold, the person so making the inspection as herein authorized shall have the right, previlege [privilege?], power and authority to take possession of such animal or animals; provided, that he shall notify the person in charge of such market and conducting the sales and also the person who may purchase any such livestock at any such sale, within a reasonable time. Provided, further, that, where any livestock is sold, the ownership of which is not known or determinable by the person or persons herein authorized to make inspection, they may be sold as strays, and that the net proceeds derived from said sale shall be transmitted to the State Board of Stock Commissioners of the State of Montana, at Helena, Montana, to be held and kept, together with a complete description of any such animal or animals and the brands thereon, and such money shall be held and retained by the State Board of Stock Commissioners for the use and benefit of the owner or owners of any such animal or animals, and paid over to such owner or owners when the ownership shall have been satisfactorily determined. And, in the event that the proceeds of the sale of any such animal or animals so transmitted to the State Board of Stock Commissioners be not claimed by the lawful owner of the property so sold, within two years from the date of the receipt of the proceeds of such sale, such money shall be held and disposed of as hereinafter provided; provided, that nothing herein contained shall be so construed as to repeal or avoid the application of Chapter L, Laws of 1903, amendatory of Sections 2956, 2957 and 2990 of the Political Code of the State of Montana.

Ownership unknown, may be sold as strays.

Proceeds of sale, how disposed of.

Proviso.

Section IV.

When the provisions of this law shall have been

fully complied with, and the money paid into the state treasury, two years after its receipt from the State Board of Stock Commissioners, the state treasurer shall be required to hold such money in a separate fund to be known and designated as the "Stray Stock Fund," and his books shall show all information with respect to the sale and proceeds from each animal in accordance with the published yearly report of the State Board of Stock Commissioners, and such money shall be held by the state treasurer for the use and benefit of the rightful owner and claimant of such money for the period of one year, after which it shall become state property, and be placed to the credit of the State Stock Inspection and Detective Fund.

State Treasurer to hold proceeds of stray stock sales.

Stray Stock Fund.

Section V.

Any person or persons, corporation or association guilty of a violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and is punishable by a fine not exceeding six hundred ($600.00) dollars, or by six months' imprisonment in the county jail, or by both such fine and imprisonment.

Violations of Act.

Misdemeanor.

Penalty.

Section VI.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section VII.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When Act takes effect.

Approved March 5, 1907.

CHAPTER 97.

"An Act to amend Paragraph Three of Section 1830, Chapter VI, Article VI, Part III, of Title III, of the Political Code of the State of Montana, as amended by an Act of the Legislature approved March 14, 1901, relating to the taking of the School Census."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Politcal Code amended paragraph 3 of Section 1830 amended.

That Paragraph three of Section 1830 of the Political Code as amended by an Act approved March 14, 1901, be and the same is hereby amended so as to read as follows:

School census. When taken and what to include.

3. To make annually, between the first and twentieth day of September of each year, an exact census of all the children and youth between the ages of six and twenty-one years residing in the district; and shall specify the name, sex, age and date of birth of such children and the names of their parents or guardians. He shall take specifically and separately a census of all children under six years of age and shall specify the name, sex, age and date of birth of such children. All children under twenty-one years of age who may be absent from home for any cause, shall be included by the district clerk in this census list of the city, town or district in which their parents reside. He shall make a full report thereof on the blanks furnished for this purpose, under oath, to the County Superintendent thereafter, and deliver a copy to the school trustees. For taking the census the district clerk shall be paid by the Board of Trustees, from the county school money to the credit of the district, in the same manner as other contingent expenses are paid, at a rate not exceeding ten cents for each child's name returned by him. He shall receive such other compensation for other services as may be allowed by the Board of Trustees. In case any district clerk shall fail to take the census provided in this act, at a proper time, and if through such neglect the district shall fail to receive its apportionment of school moneys, said school clerk shall be individually liable to the district for the full amount so lost, and it may be recovered on a suit brought by any citizen of such district, in the name of and for the benefit of the district

Amount of compensation.

Failure to take census.

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Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor. When Act takes effect.

Approved March 5, 1907.

CHAPTER 98.

"An Act to prohibit the sale of liquors, and the erection or keeping of saloons outside of the corporate limits of cities and towns, and in the vicinity of cemeteries, or within one-half mile of parks to which the public is admitted free of charge, and in which the sale of malt, vinous, spirituous and other intoxicating liquors is not allowed and is not carried on."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Every person who erects or keeps a saloon, house, booth, tent, stall or other contrivance for the purpose of selling or otherwise disposing of any wine, malt, spirituous or intoxicating liquors, or any drink of which wines, malt, spirituous or intoxicating liquors form a part, or who shall maintain, establish or carry on the business of selling or disposing of any wine, or malt or spirituous or intoxicating liquors within one-half mile of any park in which the sale of wines, malt, spirituous or intoxicating liquors is not carried on, and in which the sale of such liquors is not allowed, and to which said park admission is free to the general public, and which park is maintained for the use of the public, or within one thousand feet of the entrance of any cemetery, is punishable by a fine of not less than one hundred nor more than five hundred dollars; provided, however, that nothing herein Traffic in intoxicating liquors in vicinity of cemeteries of parks prohibited

Penalty.

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contained shall apply to saloon or any other place of business, or to the sale of any liquors within the corporate limits of any incorporated city or town. No place shall be deemed a park within the meaning of this Act unless the same be at least ten acres in superficial area.

Section 2.

When Act takes effect.

This Act shall take effect and be in force on and after the first day of April, 1907.

Approved March 5, 1907.

CHAPTER 99.

"An Act prohibiting the employment of children in certain occupations under the age of sixteen years; providing for the registration of the age of all children; the issuance of an age certificate and the disposition of the same; forbidding the employment of children in certain occupations without such certificate; providing for the enforcement of the provisions of this Act and providing penalties for the violation of the provisions thereof.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Employment of children under 16 years in certain occupations prohibited.

Any person, company, firm, association, or corporation engaged in business in this State, or any agent, officer, foreman or other employee having control or management of employees, or having the power to hire or discharge employees, who shall knowingly employ or permit to be employed any child under the age of sixteen years, to render or perform any service or labor, whether under contract of employment or otherwise, in, on, or about any mine, mill, smelter, workshop, factory, steam, electric, hydraulic, or compressed air railroad, or passenger or freight elevator, or where any machinery is operated, or for any telegraph, telephone or messenger company, or in any

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occupation not herein enumerated which is known to be dangerous or unhealthful, or which may be in any way detrimental to the morals of said child, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Misdemeanor.

Section 2.

Any parent, guardian or other person having the care, custody or control of any child under the age of sixteen years, who shall permit, suffer or allow any such child to work or perform service for any person, company, firm, association or corporation doing business in this State, or who shall permit or allow any such child over whom he has such care, custody or control, to retain such employment as is prohibited in Section one of this Act, whether under contract of employment or not, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Parents or guardians permitting children under 16 years to work.

Misdemeanor.

Section 3.

The Commissioner of the Bureau of Agriculture, Labor and Industry shall compile and preserve in his office from reports made to him by the County Superintendent of Schools, as otherwise provided, a full and complete list of the name, age, date of birth and sex of each child, and the names of the parents or guardians of each child under the age of sixteen years who is now or may hereafter become a resident of this State, and such list shall be the official record of the age of children in this State.

Record of all children in State under 16 years of age.

Official record of age of children.

Section 4.

Upon attaining the age of sixteen years any child may make application to the Commissioner of the Bureau of Agriculture, Labor and Industry for an age certificate, which must be presented to any employer with whom such child may seek employment. The employer, if such employment be given, must countersign the certificate, and return the same to the Commissioner of said Bureau, who shall keep the same on file in his office.

Age certificates issued by Bureau of Agriculture and Labor.

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Any person, firm, company, association or corporation who employs or permits to be employed in any occupation prohibited in Section One of this Act, any child without such certificate showing the child to be at least sixteen years of age, shall be guilty of a misdemeanor and punishable as hereinafter provided. Should such child prove to be less than sixteen years of age.

Misdemeanor.

Section 5.

Enforcement of this Act, by whom.

To enforce this act the Commissioner of the Bureau of Agriculture, Labor and Industry, the Bureau of Child and Animal Protection and all county attorneys shall, each upon thier [their] own volition, or upon the sworn complaint of any reputable citizen that this act is being violated, make prosecutions for such violations.

Section 6.

Violations of this Act.

Every person, firm, company, association or corporation who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Section 7.

Repealing clause.

All Acts and parts of acts in conflict herewith are hereby repealed.

Section 8.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1907.

CHAPTER 100.

"An Act to amend Section 603 of the Political Code of the State of Montana, relating to the refusal to grant certificates to practice medicine and surgery

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by the State Board of Medical Examiners, providing for the revocation of such certificates, and prescribing the procedure on appeal from the action of the State Board of Medical Examiners."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 603 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code Section 603 amended.

Section 603. No person not heretofore licensed to do so shall be permitted to practice medicine in the State of Montana unless he shall have first been subjected to a thorough examination as to his qualifications, learning and professional skill by the State Board of Medical Examiners, nor until he has been issued a certificate by such Board after such examination admitting him to practice as a physician and surgeon in the State of Montana.

Examination for certificate to practice medicine.

The Board may refuse to grant a certificate for unprofessional, dishonorable or immoral conduct. Before a certificate can be refused for such cause, the Board must serve in writing upon the applicant a copy of any charge or charges against him, and appoint a day for hearing, at which the applicant or any witness in his behalf may appear and give testimony in refutation of such charges. In case the Board, after such hearing refuse a certificate to the applicant, the decision specifically stating the ground upon which such refusal was made must be reduced to writing and a copy thereof delivered to the applicant upon demand. Upon a like hearing the Board may refuse a certificate to any one who may publicly profess to cure or treat disease, injury or deformity in such a manner as to deceive the public. The hearing provided for herein must take place within twenty days after the service of the copy of the charges upon the applicant, unless further time is granted to the applicant, and the de-

Board may refuse certificate.

Copy of charges to be served on applicant.

Hearing.

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cision of the Board must not be later than ten days after the day of hearing. If the decision is not rendered within said period of ten days, the applicant is not subject to any penalties for practicing without a certificate during the time that elapses before the decision is made.

Time for decision of board.

Revocation of certificate.

The Board, with the concurrence of four members thereof, may revoke a certificate for unprofessional, dishonorable or immoral conduct. Before such revocation can take place, a written complaint specifically stating the charges against the person whose certificate is sought to be revoked must be delivered to the Board and a copy thereof be served upon such person twenty days before the time fixed by the Board for the hearing of such charges. The Board must fix the time and place for the hearing, at which the person charged may appear and produce testimony in refutation of such charges. If after such hearing, the Board revoke the certificate of such person, the ground upon which such revocation is made must be specifically stated by the Board in writing and a copy thereof delivered, on demand, to the person whose certificate is revoked. In all cases of the refusal or revocation of a certificate to practice medicine by said Board, the person aggreived [aggrieved?] thereby may appeal from the decision of the Board as hereinafter provided.

Appeal.

An appeal may be taken from the action of the State Board of Medical Examiners in refusing to issue a certificate to practice medicine and surgery to any applicant after examination or from the action of said Board in revoking the certificate of any physician or surgeon, to the district court of the county in which such revocation or refusal was made. The appeal is taken by serving notice of appeal upon the Secretary of the Board of Medical Examiners and the Attorney General of the State within thirty days after notice from the Board of Medical Examiners of its decision,

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and by filing within the same time with the clerk of the proper district court, a verified copy of the decision from which appeal is taken, together with a verified copy of any chage [charge?] or charges preferred against the applicant and filed with the Board of Medical Examiners. The appellant is required, at the time of filing such appeal, to furnish and file with the clerk of the court a good and sufficient bond to be approved by the clerk of the court, with two good and sufficient sureties, in the sum of three hundred dollars, guaranteeing the payment of all costs of the appeal should the case be decided against the appellant, and the costs shall consist of the sheriffs fees for serving jurors, jurors fees, and the fees of the clerk of the court. Such appeal shall thereafter be tried by the district court before a jury of six physicians—not less than two of whom shall be of the same school of medicine as the appellant—and in case such jury can not be obtained in the county where the case is tried, the judge of such court shall order subpoenas for physicians from any adjoining county or counties, which subpoenas shall be served by the sheriff of such adjoining county upon receipt, after the clerk of the court where the subpoena is issued shall have sent by registered mail, such subpoena to such sheriff. Bias or prejudice or fixed opinion shall constitute a ground of challenge to a juror for cause, and the appellant and the Medical Board shall each have the right to peremptorily challenge not more than two of such jurors. When the jury shall have been selected and sworn to try the cause, they constitute a higher examining board for the purpose of enquiring into whether or not the judgment of the Board of Medical Examiners should be affirmed or overruled upon the issues presented to such Board, and such jury may make such examination of the appellant as they may deem necessary or desirable. It shall take four of the jury to render a verdict, and no mem-

Bond on appeal.

Trial on appeal.

Challenges.

ber of the Medical Board is qualified to act as a juror. The Attorney General is hereby made the attorney for said Board.

Jurymen subpoenaed under this Act shall be entitled to mileage at the rate of ten cents per mile for each and every mile by them actually travelled in attending upon the court, and of three dollars per day for their services.

Section 2.

Repealing clause.

All Acts and parts of acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 5, 1907.

CHAPTER 101.

"An Act to Amend Section 606 of the Political Code of the State of Montana, relating to the practice of medicine or surgery contrary to law, providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of medicine or surgery."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code Section 606 amended.

That Section 606 of the Political Code be amended so as to read as follows:

Practicing medicine without a certificate

Section 606. Any person practicing medicine or surgery within this State without first having obtained a certificate to practice, as provided by law, and after his certificate to practice has been revoked, or contrary to the provisions of this Act, shall for each violation of the provisions of this Code, or any act relating to the practice of medicine or surgery in this State, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one

Misdemeanor.

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thousand dollars nor less than two hundred and fifty dollars, or by imprisonment in the County Jail not exceeding one year, nor less than ninety days, or by both said fine and imprisonment, as the court may determine. Any person shall be regarded as practicing within the meaning of this Act who shall append or affix the letters M. B. or M. D., or the title Dr. or Doctor, or any other sign or appellation in a medical sense to his or her name, who shall publicly profess to be a physician or a surgeon, who shall publicly profess either on his own behalf, in his own name, in his trade name, or on behalf of any other person, corporation, association, partnership, either as manager, book-keeper, solicitor or other agent, to cure, treat, relieve, or palliate any ailment, disease or infirmity of the mind or body of another by using or prescribing any drug, medicine or surgical treatment, or who shall recomment [recommend], prescribe or direct for the use of any person any drug, medicine, appliance, apparatus, or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture or bodily injury or other deformity after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, or compensation; provided, however, that nothing in this Section shall be construed to restrain or restrict any legally licensed osteopathic practitioner practicing under the laws of this State. Nothing in this Act shall prohibit any legally licensed pharmacist or mercantile dealer from selling any drugs or medicines which are now allowed to be sold under the laws of the State of Montana or the United States.

Penalty.

Practicing defined.

Proviso.

Exception.

Section 2.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealing clause.

Section 3.

This Act shall take effect and be in full force from and after its passage and approval.

When Act takes effect.

Approved March 5, 1907.

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CHAPTER 102.

"An Act to amend Sections 1 and 8, of Article 5, of Chapter 106, of the laws of 1905, and providing for the payment of interest on cost of constructing drains where payment is extended for more than one year."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Laws of 1905 Section 1. Article 5, amended.

That Section 1, of Article 5, of Chapter 106, of the laws of 1905 be and the same is hereby amended to read as follows:

Drain Commissioner.

Section 1. Within ten days after the letting of contracts, and in case of an appeal, then fourthwith [forthwith?] after such appeal shall have been decided, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expenses of locating, establishing and constructing the same, including the commissioner's fees, cost of survey, fees and expenses of special commissioners or jury, and the amount of contracts for construction, and interest on the cost, fees, expenses and charges for construction of said drain when the taxes assessed for the payment of same shall be paid in more than one year; also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain. In case the drain and the assessment therefor shall effect [affect?] more than one district or one or more districts and an incorporated city, the county drain commissioners shall apportion such sum between the several districts, city, town or county so effected [affected?] upon the basis and per cent determined upon by him, or in case of an appeal, as provided herein.

To make estimate of entire cost of construction of drain.

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Section 2.

That Section 8, of Article 5, of Chapter 106, of the laws of 1905 be and the same is hereby amended to read as follows:

Laws of 1905, Section 8, Article 5, amended.

Section 8. All orders for the payment for services rendered and work performed shall be drawn by the county commissioners upon the drain fund of each particular drain. All orders for the payments for lands for right of way shall be paid on presentation out of the county treasury and for all other services rendered and expenses incurred, except contracts for construction, shall be paid out of the first year's taxes, and the balance of such first year's taxes, if any, shall be applied pro rata among the several contractors in the payment of the contracts for the construction of such drain. For the balance due upon such contracts the county commissioners shall draw orders payable out of the one or other succeeding year's assessment: Providing, that no orders shall be drawn payable in any one year for a larger amount than said year's assessment. All drain orders shall be drawn payable on the fifteenth day of December of the year in which the drain taxes for the payment thereof are required to be paid. All drain orders shall draw interest from the date made at the rate of six per cent. per annum. Said interest shall be computed by the county treasurer and shall be paid with the principal of said orders out of the proper fund on which it is drawn, and out of no other fund, and said county treasurer shall report to the county commissioners the amount paid as interest on such orders.

Payment for.

Payment for lands.

Payment on contracts.

Drain orders, when payable.

Interest.

Section 3.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1907.

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CHAPTER 103.

"An Act to amend Sections one, two, three, four and five of an Act of the Eighth Legislative Assembly, entitled 'An Act to appoint the Entomologist of the Experiment Station, State Entomologist and appropriate money to pay his traveling expenses.'"

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

State Entomologist of Montana.

The Entomologist of the Montana Agricultural College and Experiment Station shall be known as the State Entomologist of Montana.

Section 2.

Duties.

It shall be the duty of the State Entomologist to conduct field investigations of the injurious insects of fruits, vegetables, grains, grasses, forage crops, including clover and alfalfa, root crops, shade trees, ornamental plants, and any other insects that may become injurious when it becomes known to the State Entomologist that an outbreak of an insect has occurred in any part of the State, it shall be his duty, so far as is possible without conflicting with his other duties, to go to the scene of the outbreak or send a suitably qualified assistant. The State Entomologist or said Assistant shall determine the extent and seriousness of the outbreak, and, when necessary publish or make public demonstration of the best remedies to be employed.

Section 3.

Annual report.

The Entomologist shall make an annual report to the Governor of the State, on or before the first day

Publication.

of January, which report shall be published by the Experiment Station as one of its regular bulletins, and shall contain a report of his work and expenditures under this Act.

Section 4.

No compensation from State

The State Entomologist shall receive no compensa-

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tion for his services other than what he may receive from the Montana Agricultural College and Experiment Station, but the actual traveling expenses of himself or assistant, together with such office or laboratory expenses as result from the work contemplated under this Act, not to exceed Five Hundred Dollars, ($500.00) per annum, shall be paid, and such sum is hereby annually appropriated for the purposes of this Act out of any moneys in the State Treasury, not otherwise appropriated. Upon the certification of the Secretary of the Executive Board of the Montana Agricultural College and Director of the Agricultural Experiment Station, the State Auditor is authorized to issue warrants to cover the traveling expenses of the State Entomologist while engaged in carrying out the provisions of this Act.

Traveling and other expenses.

Appropriation.

Expenses, how paid.

Section 5.

All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Repealing clause.

Section 6.

This Act shall take effect and be in force from and after its passage and approval by the Governor.

When Act takes effect.

Approved March 5, 1907.

CHAPTER 104.

An Act to amend Sections 1, 17 and 25, and to repeal Sections 10, 11, 12, 13, 14, 21, 22, and 27 of Senate Bill No. 64: "An Act to provide for the organization, regulation and inspection of Building and Loan Associations, and to repeal Sections 770 to 790, inclusive, and Sections 800 to 845, inclusive, of the Civil Code of Montana," approved March 4, 1897.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Sections 1, 17 and 25 of Senate Bill No. 64:

Act of March 4, 1897, relating to Building & Loan Associations Sections 1, 17, 25, amended.

"An Act to provide for the organization, regulation and inspection of Building and Loan Associations, and to repeal Sections 770 to 790, inclusive, and Sections 800 to 845, inclusive, of the Civil Code of Montana," approved March 4, 1897, be amended so as to read as follows:

Building & Loan Association defined.

Section 1. That a corporation for the purpose of raising money to be loaned among its members shall be known, in this Act, as a "Building and Loan Association." Such associations shall be organized under the laws of this state relating to corporations, and shall be conducted under the banking laws of Montana, so far as applicable, except as otherwise provided in this Act.

Under the banking laws of Montana.

State Examiner to make yearly examinations.

Section 17. The state examiner shall examine all building and loan associations doing business in this state, at least, once a year. Also, whenever ten per cent of the subscribed stock of any association files a written application with the state examiner, requesting him to make examination of any association, he shall make such examination forthwith.

Also upon application of ten per cent of stockholders.

Unlawful to engage in business without certificate of authority from State Examiner.

Section 25: It shall be unlawful for any building and loan association, or other person, association or corporation doing a similar business, to do business in this state without having first complied with the provisions of this Act, and received a certificate of authority to do business from the state examiner, and any association violating any of the provisions of this Act, or failing to comply with any of its provisions,

Penalty.

shall be fined not less than fifty nor more than one thousand dollars, to be recovered by an action in the name of the state, and, on collection, paid into the state treasury, and any officer, employee, or other person who solicits business for, aids or assists any

Soliciting business unlawfully.

building and loan association to do business contrary to the provisions of this Act, or without having complied with the provisions, shall be guilty of a misde-

Misdemeanor.

meanor, and, on conviction thereof, shall be fined not

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more than five hundred ($500.00) dollars or imprisoned not more than six months, or both. Such fine, when collected, to be paid into the state treasury. Penalty.

Section II.

That Sections 10, 11, 12, 13, 21, 22 and 27 of said Senate Bill No. 64, approved March 4, 1897, are hereby repealed. Act of March 4, 1897, Sections 10, 11, 12, 13, 21, 22, 27, repealed.

Section III.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section IV.

This Act shall take effect and be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved March 5, 1907.

CHAPTER 105.

An Act to amend Section 864 of the Civil Code, relating to corporations.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Section 864 of the Civil Code be amended to read as follows: Civil Code Section 864 amended.

Section 864: The representative body of any church or religious society in this state, such as conference, synod, convocation, convention, or the like, may elect not less than three of its members, or members of such church or religious society, as trustees with authority to form a corporation for holding and administering all trust funds for general or special purposes, or for holding the legal title to real estate for use and in trust for the said church or society, or any congregation or parish thereof, and for conducting and transacting the business affairs of such church or religious society, or any congregation or parish thereof; and any church or religious society may au- Churches or religious societies may incorporate.

thorize the formation of as many corporations of this character as may be deemed necessary and proper for this purpose. Such persons so appointed as trustees must, thereupon, make, execute, acknowledge and file articles of incorporation in the office of the county clerk and recorder of the county wherein such business is to be transacted, and a certified copy thereof in the office of the secretary of the state of Montana. Such articles may contain the statements set forth in Section 862 of this Chapter, as amended. There must be attached to the articles of incorporation a transcript of the record of their election as such trustees, certified to by the presiding and recording officer of the body by which they are elected, and, thereupon, such persons and their successors in office shall become a body politic and corporate, and shall have and exercise the powers set forth in Sections 862 and 863 of this Chapter, as amended by the Act approved March 15, 1903, and such corporation may, also, in its by-laws or articles of incorporation provide for the number, name or designation of its officers, their qualifications, duties, terms of office, and manner and time of election or appointment.

Articles of incorporation.

Section II.

All Acts or parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section III.

This Act shall become effective, and be in force from and after its passage and approval.

When Act takes effect.

Approved March 5, 1907.

CHAPTER 106.

"An Act to amend Section 1 of 'An Act providing for the payment of the indebtedness and expense hereafter incurred by Cities, the indebtedness of which exceeds the limit provided in Section 6 Article XIII of the Constitution of the State of Mon-

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tana, and further providing for the levy and collection of Taxes for such purpose' Approved February 24th, 1903."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 1 of an Act entitled, "An Act providing for the payment of the indebtedness and expense hereafter incurred by Cities, the indebtedness of which exceeds the limit provided in Section 6 Article XIII of the Constitution of the State of Montana, and further providing for the levy and collection of Taxes for such purposes." Approved February 24th, 1903, be amended so as to read as follows:

Act of Feb. 24, 1903, Section 1 amended.

Section 1. All taxes heretofore levied and collected or to be collected for municipal and administrative purposes by any city, the indebtedness of which equals or exceeds the limit provided in Section 6 of Article XIII of the Constitution, may be used in payment of current expenses incurred during the fiscal year for which said taxes were levied the same as though a special levy had been made for each of said purposes. And the council of any such city is hereby authorized to designate the amount of said general levy applicable to each of said purposes, and the amount so designated shall constitute a special fund for the special purpose of paying the expenses incurred for such purpose and such expenses shall be payable out of such fund and not otherwise, provided, that the aggregate of all taxes authorized for general municipal and administrative purposes, shall not exceed one (1) per cent annually upon the assessed value of all taxable property in such city or town.

Cities exceeding the constitutional limit of indebtedness.

May use taxes collected in payment of current expenses during fiscal year.

Aggregate taxes limited to one per cent.

Section 2.

All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3.

This Act shall take effect and be in force from and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

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CHAPTER 107.

"An Act defining the crime of burglary with explosives and fixing punishment therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Burglary, with explosives.

Any person who enters a building belonging to another with intent to commit a felony or other crime by the use of nitro glycerine, dynamite, gun powder or other high explosives or who commits a burglary by the use of any such explosives is guilty of burglary with explosives.

Section 2.

Penalty.

Burglary with explosives is punishable by imprisonment in State Prison for not less than fifteen years, and not more than forty years.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

CHAPTER 108.

"An Act to Amend Chapter 50 of the Session Laws of the year 1905, State of Montana, being an Act entitled 'An Act Prescribing the Hours of Labor which shall constitute a day's work, on all works or undertakings carried on or aided by Municipal, County, or State Government and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violation of the Provisions of this Act,' approved March 1st, 1905, and to Provide further the number of hours labor which shall constitute a day's labor for the washing, or reducing, or the treating of coal."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Chapter 50 of the Session Laws of the State of Montana, for the year 1905, entitled "An Act Prescribing the Hours of Labor which shall constitute a day's work on all works or undertakings carried on or aided by Municipal, County, or State Government, and on all contracts let by them, and in mills and smelters for the treatment of ores and in underground mines, and providing a penalty for the violations of the provisions of this Act," be and the same is hereby amended so as to read as follows:

Laws of 1905 Chapter 50, amended.

Section 1. A period of eight (8) hours shall constitute a day's work on all works or undertakings carried on or aided by any Municipal, County, or State Government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing or treatment of coal.

Eight hours to constitute a day's work.

Section 2.

Every person, corporation, stock company or association of persons who violate any of the provisions of Section One (1) of this Act shall be guilty of a Misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred (100) Dollars nor more than Five Hundred ($500) Dollars, or by imprisonment in the County Jail for not less than Thirty Days nor more than Six months, or by both such and imprisonment.

Misdemeanor.

Penalty.

Section 3.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When Act takes effect.

Approved March 6, 1907.

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CHAPTER 109.

"An Act to amend Sections 2480, 2481, 2482, 2483 2484, 2485, 2486, 2487, 2488, 2489, 2490, and 2491 Chapter IV. Part II of the Criminal Code of Montana relating to the examination of witnesses conditonally [conditionally?]."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Criminal Code Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, amended.

That Sections 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, and 2491 Chapter IV, Part II of the Criminal Code of Montana be and the same are hereby amended so as to read as follows:

State or defendant may examine witnesses conditionally.

Section 2480. When a defendant has been held to answer a charge for a public offense, he, and the State, may, in all cases, either before or after an information has been filed or after an indictment has been found, have witnesses examined conditionally, on his or its behalf, as prescribed in this Chapter, and not otherwise.

Deposition of witness unable to give security.

Section 2481. When a material witness for the defendant, or the State cannot give security for his appearance at the trial, the defendant or the State may apply to the District Court of the county or district in which the offense is alleged to have been committed for an order to take his deposition.

Application upon affidavit.

Section 2482. The application must be made upon affidavit stating:

1. The nature of the offense charged;
2. The state of the proceedings in the action;
3. The name and residence of the witness, and that his testimoney [testimony?] is material to the defense, or prosecution of the action.
4. That the witness cannot give security for his appearance at the time of the trial.

Notice of application.

Section 2483. The application must be made to the court or judge thereof upon not less than three days' notice to the opposite party.

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Order for taking deposition.

Section 2484. If the court or judge thereof is satisfied that the examination of the witness is necessary, an order must be made that his deposition shall be taken, at a specified time and place, and before a magistrate designated therein, and that a copy of the order be served on the opposite party, within a time specified before that fixed for the examination.

Duty of magistrate.

Section 2485. On proof being furnished to such magistrate by affidavit or otherwise that a copy of the order has been served upon the opposite party, the examination must proceed.

Examination, presence of defendant.

Section 2486. The defendant has the right to be present in person and with counsel at such examination, and if the defendant is in custody, the officer in whose custody he is, must be informed of the time and place of such examination, and must take the defendant thereto, and keep him in the presence and hearing of the witness during the examination. The defendant, if in custody, shall be brought before the judge or the court to whom the application is made to take the deposition, and be present at the hearing. If it appears to the judge or court that the defendant is without an attorney and unable to employ one, the court shall appoint an attorney to appear for him at the hearing and upon the trial of the case. It shall be the duty of the attorney so appointed to be present at such hearing.

Appointment of attorney.

Subpoena for witness.

Section 2487. The attendance of the witness may be enforced by a subpoena, issued by the magistrate before whom the examination is to be taken, or by the court or judge making the order.

Authentication.

Section 2488. The testimony given by the witness must be reduced to writing, and authenticated in the same manner as a deposition in a civil action

Deposition sealed and filed with Clerk of Court.

Section 2489. The deposition must, by the magistrate, be sealed up and transmitted to the clerk of the court making the order, there to be filed and held until the action shall come on for trial.

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Deposition read on trial.

Section 2490. The deposition, or a certified copy thereof, may be read in evidence in any court in this state by either party on the trial, upon it appearing that the witness is dead or is absent from the state, and the same objections may be made to the deposition at the trial as if the witness had been examined in court.

Witness in prison or in jail.

Section 2491. When a material witness for a defendant, under a criminal charge, is a prisoner in the State Prison, or in a county jail of a county other than that in which the defendant is to be tried, his deposition may be taken, on behalf of the defendant, in the manner provided for in the case of a witness who cannot give security for his appearance at the trial, and the provisions of this Chapter, commencing with Section 2480, and ending with Section 2490, shall so far as applicable, govern the application for and in the taking and use of such deposition. Such deposition may be taken before any magistrate or notary public of the county of which the jail or prison is situate; or in case the witness is confined in the State Prison, and the defendant is unable to pay for taking the deposition, it may be taken before the warden of the State Prison, whose duty it shall be to act without compensation. Every officer, before whom testimony shall be taken, under this Chapter shall have authority to administer, and shall administer, an oath to the witness that his testimony shall be the truth, the whole truth and nothing but the truth.

Deposition, before whom taken.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed. This Act shall be in force and take effect on and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

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CHAPTER 110.

"An Act to establish a State Board of Health, Subordinate County, City, and Town Boards of Health, Defining the powers and duties of each, Providing for the compensation of the Officers and Members of each, Providing for the Enforcement of the rules and regulations and laws relating to said Boards, and to repeal an Act entitled, "An Act creating a State Board of Health, Defining its powers and duties and Providing for the compensation of its officers, and providing for the enforcement of the rules and regulations of said Board.' Approved March 15th, 1901."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

State Board of Health, established.

A Board is hereby established which will be known under the name and style of the "State Board of Health of Montana;" it shall consist of seven members, as follows; three members, all of whom shall be experienced physicians, legally authorized to practice medicine and surgery in the State of Montana, to be appointed by the Governor, with the advice and consent of the Senate, and a Secretary as provided for in Section five of this Act; these four, together with the Governor, Attorney General and the State Veterinarian, who shall be ex-officio members, shall constitute the State Board of Health of Montana.

How constituted.

Appointment by Governor.

Term of office.

The persons so appointed by the Governor shall hold office for four years, provided that those first appointed shall be so classed by the Governor that the term of two shall expire on the first day of January in every second year; thereafter the Governor, with the advice and consent of the Senate, shall biennially appoint two members in the place of those two whose term shall so expire, who shall hold office for four years, provided that all vacancies shall be likewise filled by appointment by the Governor, by the advice and con-

Vacancies, how filled.

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sent of the Senate; appointment made when the Senate is not in session shall take effect immediately and shall be presented for confirmation at the next ensuing session.

Section 2.

Powers and duties of board.

The State Board of Health shall have general supervision of the interests and health and life of the citizens of the State. They shall study the vital statistics of the State and endeavor to make intelligent use of the records of deaths and sickness among the people; they shall make sanitary investigations and inquiries regarding the causes of disease and especially communicable diseases and epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingesta, habits and circumstances of the health of the people; they shall gather such information in respect to all these matters as they may deem proper for diffusion among the people; they shall make an inspection once in each year, and at such other times as they may be directed to do so by the Governor, of all public institutions and make a report as to their sanitary conditions, with suggestions and recommendations to their respective Boards of directors or trustees; and it shall be the duty of the official in the immediate charge of such institutions to furnish all the facilities necessary for a thorough investigation; they shall, when requested or when they shall deem it best, advise officers of the Government, or other Boards within the State, in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building; they shall have general oversight and direction of the enforcement of the statutes respecting the preservation of the health and the prevention of the spread of communicable diseases; they shall have general supervision of the work of local and county boards of health, hereinafter defined, and they shall, at each session of the legislature, submit through the Governor

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a full report of their investigations and such suggestions and recommendations as they may deem proper.

Section 3.

Meetings of board.

The State Board of Health shall meet semi-annually at Helena, and at such other times and places as they may deem expedient. Suitable accomodations [accommodations?] for the meetings of said Board and office room for the secretary shall be provided at the State Capitol. A majority shall be a quorum for the transaction of business. They shall choose one of their members to be president and may adopt all necessary rules and by-laws subject to the provisions of this Act. Special meetings of the Board may be called at any time by the president, through the secretary, upon five days notice in writing.

Section 4.

To promulgate and enforce rules and regulations.

The State Board of Health shall have power to promulgate and enforce such rules and regulations for the better preservation of the public health in contagious and epidemic diseases as it shall deem necessary, and also regarding the causes and prevention of diseases, and their development and spread; and if any person or corporation refuses, after notice in writing from the secretary of the State Board of Health, or from any local or county board of health, of such rules and regulations to comply therewith, within a reasonable time, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than Ten nor more than One Hundred Dollars with costs of prosecution; and it shall be the duty of the secretary of the State Board of Health to prepare and distribute to local boards of health, physicians and other persons requesting them, such printed circulars as the Board may direct, and such rules and regulations as the Board may promulgate as aforesaid.

Violations

Misdemeanor.

Penalty.

Section 5.

Secretary of board.

At the first meeting of the State Board of Health, or

as soon thereafter as a suitable and competent person can be secured, the Board shall elect a Secretary, who shall be an educated physician, experienced in sanitary science, and qualified to practice medicine in the State of Montana, and who by virtue of such election shall be a member of the board and its executive officer and the State Health Officer,

Qualification.

Executive officer and State Health officer.

The Board may elect one of their own number such secretary, in which case the Governor shall appoint another member to complete the full number of the said Board, as hereinbefore provided.

Section 6.

Secretary, term of office.

The Secretary shall hold office for four years, but he may be removed for cause at any duly organized meeting of the board upon a majority vote of the members present; he shall perform all the duties required by law or by the rules and regulations of the board, he shall keep a record of the transactions of the board, shall have custody of the books, records, documents and other property belonging to the board; he shall, as far as practical, communicate with other State Boards of Health and with local and county boards of health within the State; he shall keep on file all reports received from such local and county boards of health and all correspondence of the office appertaining to the business of the board. He shall prepare blank forms of return and such instructions as shall be necessary, and forward them to the local and county boards of health throughout the State; he shall supervise the work of all local and county health officers, and when any local or county health officer shall fail to properly perform the duties required of him, the secretary of the State Board of Health shall notify such local or county board of health, and he may file complaint against such delinquent health officer with a Justice of the Peace, as the exigencies of the case may demand; he shall inspect the records of each local and county health

Duties.

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officer at least once in each year; he shall whenever requested by any local or county health officer, or when he may deem it necessary, visit any district to investigate the cause of any existing disease or sanitary condition; he shall, through an annual report, and otherwise, as the board may direct, disseminate such information as he may collect and general instructions regarding sanitary measures and means of preventing the spread of communicable diseases; he shall receive from the State of Montana, in monthly payments, an annual salary of Three Thousand Dollars, ($3000.00), to be paid out of the general fund of the State.

Salary.

Section 7.

Each member of the State Board of Health, except the secretary and ex-officio members, shall receive the sum of Five Dollars per day for each day's attendance at the meetings of the board, and his necessary traveling expenses. The claims of the members for such per diem and traveling expenses shall be presented to and audited and allowed by the State Board of Examiners, in the manner now provided by law for the allowance of similar claims of other state officers, provided, such expenses in the aggregate shall not exceed the annual sum of Two Thousand Dollars, ($2000.00).

Members of board entitled to per diem and traveling expenses.

Proviso.

Section 8.

In order to afford the board better advantage for obtaining knowledge to be incorporated with that collected through special investigations and other sources, all officers of the state, the physician of all incorporated companies, and the president or agent of any company chartered, organized or transacting business under the laws of this state, as far as it is practical, shall furnish to the State Board of Health any information bearing upon public health which may be requested by said board, for the purpose of enabling it better to perform its duties of collecting and distributing useful information on this subject.

Corporations to furnish any information requested by board.

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Section 9.

Inspection and regulations for schoolhouses, churches and public resorts.

The State Board of Health shall prepare and issue to the local and county boards of health regulations for the lighting, heating and ventilating of schoolhouses, and shall cause sanitary inspection to be made of schoolhouses, churches and all places of public resort, in towns or cities of one thousand or more inhabitants, and make such regulations concerning the same as it may deem necessary for the safety of the persons who may attend school or services therein or resort thereto.

Plans of all public buildings to conform to regulations.

And all schoolhouses, churches or public buildings hereafter erected in such towns or cities shall conform to the regulations of the State Board of Health in respect to all sanitary conditions; and all persons, corporations or committees intending to erect any public building hereinbefore named, in towns, or cities, of one thousand or more inhabitants, shall submit plans thereof, so far as to show the method of heating, ventilating, plumbing and sanitary arrangements, to the secretary of the State Board of Health and secure his approval thereof, or the approval of the State Board of Health on appeal from the decision of its secretary, before erecting said building, and shall conform strictly to all the requirements of the said board in the respects aforesaid, and any person, corporation or committee that shall erect any such building without such approval, and without complying with such requirements, shall be guilty of a misdemeanor; and shall also make such building conform to the requirements of said board, before the same shall be used for any of the purposes above mentioned; and any such use of said building until such requirements have been complied with shall be a misdemeanor.

Subject to approval of Secretary of board.

Misdemeanor.

Section 10.

When any schoolhouse, church, theatre or other

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public building in the state shall, on inspection by a local, county, or state health officer, be found to be in such unsanitary condition as to endanger the health of those who may frequent the same, such health officer shall give to the owner, or those in charge of such building, notice to place the same in proper sanitary condition in such manner as he shall direct and within a reasonable time, and should the owner, agent or other person in charge of such building fail, neglect or refuse to place the said building in proper sanitary condition, in such manner as shall be directed and within the time specified in said notice, then such building shall be deemed a public nuisance and the local or county health officer or the secretary of the State Board of Health shall institute action against the same, in the manner now provided by law for the abating of a public nuisance.

Public building in an unsanitary condition, deemed a public nuisance.

Section 11.

Each incorporated city or town in the State shall have a local board of health, the same being designated in this act as the "Local Board," said local board shall consist of three members to be appointed by the municipal authorities of the town or city, and removable at their pleasure, one of whom shall be a physician, legally qualified to practice medicine and surgery in the State; the Board shall elect one of its members as Secretary; provided, that any incorporated town of less than five thousand inhabitants, may, by written notice to the State Board of Health, and to the county board of health of the county in which said town is located, place itself under the care of the county board of health, in which case the county health officer, as hereinafter provided for, shall have the same authority within the incorporate limits of such town as he has in the county outside of corporate limits; provided that such incorporated town shall pay all expenses incurred in enforcing sanitary measures and quarantines within its corporate limits.

Local Board.

Membership.

Secretary.

Proviso.

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Failure to appoint local board.

If the municipal authorities of any incorporate city or town shall fail to appoint a board of health as required above, within thirty days after having been notified of such requirement by the Secretary of the state board of health, then the state board of health may appoint a health officer for such town or city, and the health officer thus appointed by the state board of health shall have all the powers, receive all the emoluments and perform all the duties required of a local health officer appointed by the municipal authorities.

Section 12.

Local Health officer.

Salary.

The salary of each local health officer shall be determined by the municipal authorities of the respective city or town provided that such salaries shall not exceed, in counties of the first, second and third classes, two thousand ($2000.00) dollars per annum, and in counties of the fourth and fifth classes, twelve hundred ($1200.00) dollars per annum, and in counties of the sixth, seventh and eighth, not to exceed six hundred ($600.00) dollars per annum, and provided further, that in all cases the State Board of Health shall have supervisory control over the action of all local, county, city or district health officers, who shall in all respects, be subject to the direction of the State Board.

State Board to have supervisory control.

Section 13.

Meetings of local board.

Each local board of health shall hold regular quarterly meetings, and such other meetings as may be deemed expedient.

Duties of secretary.

The Secretary shall keep accurate records, in a book provided therefor, of the proceedings of such meetings.

He shall keep accurate records of all communicable diseases reported to him, and for this purpose each local board of health shall provide, at the expense of the city or town a book printed in proper blank form for the notation of such facts and data as may be pre-

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scribed by the regulations of the State Board of health.

These records shall be the property of the city or town and must be turned over by the Secretary of his successor in office.

Section 14.

Duties of local Health Officer.

The local health officer shall make sanitary inspection whenever and wherever he has reason to suspect that anything exists that may be detrimental to the public health, he shall, as secretary of the local board of health, by a written instrument under his hand, order the destruction, prevention, and removal, within a specified time, of all nuisances, sources of filth, or causes of sickness as directed by the local board of health, or order all public buildings, such as schoolhouses, churches, theatres, or other places where people congregate in considerable numbers to be closed in time of epidemic or in the face of serious or unusual sickness, which in his judgment, and approval in writing by the secretary of the state board of health and safety may require the same, and may forbid and prevent the assembling of the people in any place when the public health and safety demands the same.

Section 15.

Failure to comply with order of Health Officer.

If any person or corporation shall neglect or refuse to comply with any written order of a local, county or state health officer, made and promulgated by either of them under this Act, within a reasonable time, to be designated in the notice, such person or corporation shall be guilty of a misdemeanor.

Misdemeanor.

In case of such neglect or refusal to comply with such order, the local, county or state Board of Health may cause it to be complied with at the expense of the town, city, or county, and such expenses shall be recovered from the person or corporation whose legal duty it was to comply with such order, by a civil action brought in the name of such town, city or county.

Civil action to recover expenses.

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Section 16.

Local board, powers and duties.

The local or county board of health shall have power to abate all nuisances affecting the public health, to destroy, prevent and remove all sources of filth and causes of sickness or disease; to guard against the introduction of communicable diseases by the exercise of proper and vigilant medical inspection and control of all persons and things in their respective districts, which, for any reason, are liable to communicate contagious diseases. They shall also have authority to establish and maintain, at the expense of their respective city, town, or county, isolation hospitals, where patients suffering from smallpox or other very dangerous, contagious or infectious disease may be properly quarantined and cared for, when, in their judgment, they cannot be properly quarantined and cared for elsewhere. Towns, cities and counties must establish and maintain such isolation hospitals when directed so to do by the state board of health, and for this purpose they may secure by purchase or otherwise suitable building sites, and cities, towns and counties may combine for the purpose of building, equipping and maintaining such hospitals.

Same.

The local or county boards of health shall also have power and authority to require the isolation of persons or things infected with or exposed to infectious or contagious diseases, provide suitable places for the reception thereof, and, if necessary, furnish medical treatment and care for such sick persons at the expense of the city, town or county; to prohibit and prevent all intercourse or communication with, or use of infected premises, places or things, and require and provide means for the thorough fumigation, purification, disinfection, and cleansing of the same before intercourse therewith or use thereof shall be allowed.

Same.

When any contagious or infectious disease exists or is believed to exist on any premises within his jurisdiction the local or county health officer shall

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immediately place such premises under quarantine, in accordance with the rules and regulations of the State Board of Health, and shall maintain such quarantine in accordance with such rules and regulations. At the expiration of the period of quarantine, the local or county health officer shall personally supervise the disinfection, fumigation, and cleansing of all persons or things which have been exposed to the contagion, and all disinfecting, fumigating and cleansing shall be done in accordance with the rules and regulations of the state board of health, and at the expense of the city, town, or county.

Section 17.

Peace officers to assist health officers.

Any local, county or state health officer may call upon all sheriffs, constables, or other police officers, to assist them in the discharge of their duties, and if any such officer, who so called upon, shall neglect or refuse to render such service, he shall be guilty of a misdemeanor, and subject to removal from office.

Failure Misdemeanor.

Section 18.

Interference with health officer.

Any person who shall attempt to hinder, or who shall hinder the work of a local, county or state health officer, or who shall remove, deface or obscure any placard or notice posted under the authority or by the direction of such officer, or who shall violate any quarantine regulation is guilty of a misdemeanor.

Misdemeanor.

Section 19.

County Board of Health.

There is hereby established in each county a board of health which is designated in this Act as the "County Board of Health," which shall consist of the board of county commissioners, and one physician legally authorized to practice medicine and surgery in this state, who must be appointed by the board of county commissioners. Said physician, when so appointed shall be ex-officio secretary of the county board of health and the county health officer, and shall hold office at the pleasure of the board.

Membership.

Secretary and Health Officer.

County Health Officer.

The county health officer shall have the same powers

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and perform the same duties in the county of his appointment, outside of the limits of incorporated towns or cities, as are hereinabove provided for a local health officer within the corporate limits of a town or city, and his salary shall be fixed by the board of county commissioners, at an amount commensurate to the work devolving upon him, and when such county health officer, when in the actual discharge of his official duties, is required to travel greater than two miles from the county seat of the county he represents, he shall receive his actual traveling expenses.

Salary, how fixed.

Traveling expenses.

Section 20.

Failure to appoint County Health Officer.

Should any board of county commissioners fail, neglect or refuse to appoint a county health officer, as herein provided, for a period of thirty days after having been notified in writing by the secretary of the state board of health so to do, then, and in that event, the state board of health may appoint such health officer, and he shall have the same powers and perform the same duties, and receive the same emoluments as though appointed by the action of the board of county commissioners.

Section 21.

Meetings of County Board.

Each county board of health shall hold regular quarterly meetings, immediately after the adjournment of each regular quarterly meeting of the board of county commissioners, and at such other times as they may deem necessary, and may adopt all needful rules and regulations for the government of their respective bodies, subject to the provisions of this Act; they shall establish such sanitary rules and regulations for their county for the prevention of the spread of disease as they may deem necessary, provided that no such rule shall conflict with the rules and regulations of the state board of health, and any person who shall fail, neglect or refuse to comply with such rules and regulations shall be guilty of a misdemeanor, and shall,

To establish rules and regulations.

Violations Misdemeanor.

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on conviction, be fined not less than Ten Dollars and not more than Fifty Dollars for such offense. Penalty.

Section 22.

It shall be the duty of each local and county health officer, immediately upon appointment, to transmit to the secretary of the state board of health his name, date of appointment, post-office address, together with the names and postoffice addresses of the members of the board of health of which he is secretary. He shall on or before the fifth day of each month, transmit to the secretary of the State Board of Health, on blanks provided therefor, a complete report of all communicable diseases reported to him during the previous month, giving all the details regarding each case as indicated by the blank forms provided by the state board of health. Reports to Secretary of State Board.

He shall on or before the first day of December of each year, make a report to the local or county board of health of which he is secretary, setting forth the general sanitary conditions within his district during the year ending the last day of November, and such other information as the state board of health may call for; and a copy of this report must be transferred immediately to the secretary of the state board of health. Reports to local or County Board.

Any local or county health officer who shall fail, neglect or refuse to make either the above mentioned monthly or annual reports, within the time specified in this section, shall forfeit the sum of Two Dollars for each day he is delinquent, which amount shall be deducted from his salary; and the secretary of the state board of health shall notify the chairman of the local or county board of health of the number of days its secretary is delinquent. Failure of officer to make reports.

Section 23.

Any local or county health officer who shall fail, neglect or refuse to comply with any of the requirements of this act, or of the rules and regulations of Failure of Health Officer to comply with rules.

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Penalty.

the state board of health, shall be subject to a fine of not more than Two Hundred Dollars, ($200.00).

Section 24.

Salary and expenses, how paid.

All necessary expenses incurred by any local board of health and the salary of each local health officer, shall be paid from the treasury of the respective city or town, on representation of an itemized and verified account; and all expenses incurred by a county board of health in the enforcement of the provisions of this Act, shall be paid from the general fund of the respective counties, on representation of an itemized and verified account.

Section 25.

Contagious disease.

The State Board of Health shall have the power, and it shall be their duty to issue and enforce reasonable rules for the restriction and prohibition [prohibition?] of any person or persons suffering from a communicable,

Travelers.

infectious or contagious disease traveling on public conveyance, and shall issue reasonable rules and regulations to the disinfection of passenger cars or any other

Public conveyances.

public conveyance in which any person or persons, suffering from contagious, infectious or communicable disease has been traveling.

Section 26.

Transportation of dead bodies.

The State Board of Health shall make all needful rules and regulations for the transportation of dead bodies, and such rules and regulations shall, so far as shall be deemed practical, be in conformity with similar rules and regulations now in force in other North American States and Provinces, and to this end they may establish a system of licensing embalmers and undertakers.

Section 27.

Communicable disease defined.

The term "communicable disease" as used in this act, shall be understood to include the following diseases; small-pox, diptheria [diphtheria?], membranous croup, so-called, scarlet fever, sometimes called scarlet rash or scarlatina, cholera, bubonic plague, yellow

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fever, "spotted" or "tick" fever, typhus fever, enteric or typhoid fever, cerebro spinal meningitis and measles.

Section 28.

Householder must notify Health Officer.

Whenever any householder knows or has reason to believe that any person within his family or household has any communicable disease, he shall immediately give notice thereof to the health officer of the town or city in which he resides, if within the corporate limits of a town or city, or to the county health officer if without the corporate limits of a town or city; and such notice shall be given at the office of the local or county health officer, within the shortest possible time and by the most direct means of communication.

Section 29.

Physician must notify Health Officer.

Whenever any physician knows that any person whom he is called upon to visit is infected with any communicable disease, such physician shall immediately give notice of such disease to the local health officer, if within the corporate limits of a town or city, or to the county health officer if without the corporate limits of a town or city.

Section 30.

Duty of Health Officer to file complaint of violations of this Act.

It shall be the duty of each local or county health officer in the state, who shall have knowledge of any violation of this Act, occurring within his district to forthwith file a complaint with a justice or magistrate having jurisdiction.

Section 31.

Vaccination, may be required of persons frequenting schoolhouse

Whenever small-pox exists or is threatened in any part of the state the state board of health shall have authority to require all persons frequenting any schoolhouse within the infected or threatened district to be vaccinated or to present evidence of a successful vaccination with cow-pox, and no person shall be permitted to enter any schoolhouse within the district included in the order of the state board of health unless such requirements are complied with.

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Section 32.

Quarantine, State Board may enforce.

The state board of health, in case of danger of infection from small-pox, or any other infectious or contagious disease, dangerous to the public health, may institute and enforce quarantine measures against any state as it may deem necessary and they shall enforce such quarantine measures against any city or county as they may deem necessary in order to prevent the spread of dangerous, infectious or contagious diseases, and if any person or corporation refuse or neglects to comply with such quarantine regulations, he shall, upon conviction, pay to the Treasurer of the State a fine of not less than Ten Dollars or more than One Hundred Dollars.

Violation.

Penalty.

Section 33.

Prisoner infected.

Whenever any person in any jail shall be attacked with any disease which, in the opinion of the local or county health officer, shall be considered dangerous to the health of the other prisoners, the health officer may, by his order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept so as to prevent his escape until his further orders, and if such prisoner shall recover from such disease he shall be returned to such jail.

Section 34.

Order for removal of prisoner.

If any person removed from any jail by any health officer shall have been committed by order of any court or under any judicial process, the order for his removal, or a copy thereof, attested by the health officer issuing such order, shall be returned to him, with the proceedings endorsed thereon, to the office of the clerk of the district court of the county, and no prisoner removed as aforesaid, shall be considered as thereby having committed an escape.

Section 35.

Dead animals, how disposed of.

If any person or persons shall put any dead animal, or part of the carcass of any dead animal into any

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lake, river, creek, pond, reservoir, road, street, alley, lot, field, or meadow or common, or in any place within one mile of the residence of any person, or persons, except the same and every part thereof be burned, or buried at least two feet under ground, or who being the owner shall knowingly permit the same to remain in any of the aforesaid places to the injury of the health, or to the annoyance of the citizens of this State, or any of them, every person so offending shall be guilty of a misdemeanor, and every twenty-four hours that said person shall permit the same to remain shall be deemed an additional offense under the provisions of this Act.

Misdemeanor.

Section 36.

Whenever any city, town, corporation, or person shall hereafter contemplate the construction of any sewer system that will empty into any stream or source of water supply in this state, they shall submit a plan of such proposed system to the State Board of Health and said Board shall cause a thorough investigation to be made and if after such investigation they shall determine that such sewage will so pollute the waters of any stream or source of water supply as to endanger the health of lives of the citizens of this state, or any of them, they shall submit to the judge of the district court of the district in which such proposed sewage system is located, the evidence on which their findings are based and if said judge upon that evidence, and such other evidence as the judge may receive on a hearing at which all parties in interest may be heard and present evidence if they desire shall find that the action of the State Board of Health is just and unbiased he shall issue an order preventing the construction of such sewage system except under such conditions as the State Board of Health may designate.

Plans of proposed sewer system, to be submitted to Board for approval.

Evidence submitted to District Judge.

Order of District Judge.

Section 37.

In case of imminent danger from infectious or con-

Power of Secretary of State Board to act in an emergency.

tagious disease, where the health of the people would be endangered from the delay of action necessary to call a meeting of the State Board of Health, the Secretary of the State Board of Health shall have the full power of the State Board of Health to act in such matter until such time as a meeting of the State Board of Health may be duly called.

Section 38.

Violation of any rule or regulation.

Whoever shall knowingly violate any of the provisions of this Act, or any rule or regulation of any county, city or State Board of Health, made in accordance with the provisions of this Act, the penalty for which is not herein specifically provided, shall be guilty of a misdemeanor.

Misdemeanor.

Section 39.

Act of March 15, 1901, repealed.

An Act entitled "An Act creating a State Board of Health Defining its Powers and Duties, and Providing for the compensation of its Officers, and Providing for the Enforcement of the rules and regulations of said Board," approved March 15th, 1901, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 40.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1907.

CHAPTER 111.

"An Act prohibiting the use of firearms by children under the age of fourteen years."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Firearms, use of by children prohibited.

It shall be unlawful for any parent, guardian, or other person, having the charge or custody of any minor child under the age of fourteen years, to permit

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such minor child to carry or use any firearms of any description, loaded with powder and lead, in public, except when such child is in the company of such parent or guardian.

Section 2.

Any parent, guardian, or other person, violating the provisions of this Act shall be guilty of a misdemeanor, and the county attorney, on complaint of any person, must prosecute violations of this Act. Violation Misdemeanor.

Section 3.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 4.

This Act shall be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved March 6, 1907.

CHAPTER 112.

"An Act to amend Sections 8 and 12 of Chapter 51 of the Laws of 1905, relating to the practice of Osteopathy contrary to law in the State of Montana, and providing a penalty therefor, and defining what evidence shall be deemed sufficient to constitute the practice of Osteopathy."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Section 8 of Chapter 51 of the Laws of 1905 be amended to read as follows: Laws of 1905, Sec. 5, Chap. 51, amended.

Section 8. "Any person practicing osteopathy in this state without first obtaining a license herein provided for, or contrary to the provisions of this act, or who, for the purpose of obtaining such license shall falsely represent himself or herself to be the holder of a diploma as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction there- Osteopathy, practicing without license Misdemeanor.

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Penalty.

of, shall be punished by a fine of not more than one thousand dollars, nor less than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding one year, nor less than ninety days, or by both fine and imprisonment for each and every such offense. It shall be the duty of the respective county attorneys to prosecute violations of this act."

County Attorney to prosecute.

Section 2.

Laws of 1905, Sec. 12, Chap. 51, amended.

That Section 12 of Chapter 51 of the Laws of 1905 be amended to read as follows:

Practice of Osteopathy defined.

Section 12. "Every person shall be deemed practicing osteopathy within the meaning of this act who shall,

(a) Attend to, or use in connection with his or her name the words "Doctor of Osteopathy, or Diplomat of Osteopathy, or Osteopath, or Osteopathist, or Osteopathic Practioner, or Osteopathic Physician," or words of like import, or any abbreviation thereof, or the letters "D. O.," or who shall,

(b) Profess publicly to, or who shall, either on his own behalf, in his own name, or in his trade name, or in behalf of any other person, corporation, association, partnership, either as manager, book-keeper, practioner, or agent, treat, cure, alleviate or relieve any ailment or disease of either mind or body, or cure or relieve any fracture or misplacement or abnormal condition, or bodily injury or deformity, by any treatment, or manipulation or method of manipulating a human body or any of its limbs, muscles or parts, by the use of the hands, or mechanical appliances, in an effort or attempt to relieve any pressure, obstruction, misplacement or defect, in any bone, muscle, ligament, nerve, vessel, organ or part of the body, after having received, or with the intent or expectation of receiving therefor either directly or indirectly any bonus, gift or compensation whatsoever.

Proviso.

Provided, however, that nothing in this Section shall be construed to restrain or restrict any legally licensed

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physician or surgeon in the practice of his profession."

Section 3.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Repealing clause.

Section 4.

This Act shall take effect and be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved March 6, 1907.

CHAPTER 113.

"An Act to Amend Section 2097 of the Penal Code of the State of Montana, Relating to Trials in Criminal Cases."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 2097 of the Penal Code of the State of Montana to be amended to read as follows: Penal Code, Section 2097, amended.

Section 2097. When in the opinion of the Court it is proper that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, or in cases involving the brand or mark or identity of live stock, or other personal property, it may order the jury to be conducted in a body in the custody of the sheriff and in the presence of the defendant and his counsel to the place which must be shown to them by a person appointed by the court for that purpose; and in cases involving the brand or mark on, and identity of live stock or other personal property the jury must be conducted in a body in the custody of the sheriff and in the presence of the defendant and his attorney to a convenient place where the live stock or personal property in question can be shown to them by a person appointed by the Court that they Jury to view place of offense and mark on, or personal property.

may personally inspect the same; and the sheriff must be sworn to suffer no person to speak to or communicate with the jury, nor to do so himself on any subject connected with the trial, and return them into the court without unnecessary delay or at a specified time, as the Court may direct.

Approved March 6, 1907.

CHAPTER 114.

"An Act to amend Section 607 of the Political Code of the State of Montana; relating to the fees of candidates for examination for license to practice medicine and surgery in the State of Montana, and application thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code Section 607 amended.

That Section 607 of the Political Code of the State of Montana, be, and the same is hereby amended so as to read as follows:

Fees for examination before Board of Medical Examiners.

Section 607. Candidates for examination shall pay in advance to the Secretary of the Board of Medical Examiners a fee of Twenty-five Dollars, which fee shall defray the entire expense of said candidates for examination before the aforesaid Board of Examiners.

Entitled to second examination without fee.

Any one failing to pass the required examination shall be entitled to a second examination within six months, without fee.

Disposition of fees.

And the moneys so received shall be turned over to the State Treasurer, to be by him deposited in the Medical Board Fund, as hereinafter provided.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1907.

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CHAPTER 115.

"An Act regarding gambling and to prohibit certain games, and the possession or use of certain implements and appliances and the using or leasing of any premises for gambling purposes, to provide for the enforcement of this Act, and to provide civil and criminal liabilities and penalties for violations of its provisions and civil actions for the recovery of money lost at any of the games herein prohibited, and to repeal and prohibit city and town ordinances on the subject, and to repeal the act approved March 15, 1901, entitled: "An Act to prohibit gambling within the State of Montana, to provide penalties for violations of this Act, and repealing an Act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled, 'An Act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this Act,' and conflicting Acts."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Certain games prohibited.

Any person who carries on, opens or causes to be opened, or who conducts or causes to be conducted, or operates or runs, as principal, agent or employee, any game of monte, dondo, fan-tan, tan, stud-horse poker, craps, seven and a half, twenty-one, faro, roulette, draw-poker, or the game commonly called round-the-table poker, or solo, or any banking or percentage game, or any game commonly known as a sure thing game, or any game of chance played with cards, dice or any device whatever, or who runs or conducts, or keeps any slot machine, or other similar machine, or permits the same to be run or conducted, for money, checks, credits, or any representative of value, or for

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Dealing on margins.

any property or thing whatever, or any person or persons who conduct any brokerage business Bucket shop or office where grain stocks or securities of any kind are sold on margins and any person owning or in charge of any saloon, beer hall, bar room, cigar store, or other place of business, or any place where drinks are sold or served, who permits any of the games mentioned in this section to be played in or about such saloon, beer hall, bar room, cigar store, or other place of business, or permits any slot machine, or other similar machine to be kept therein, is punishable by a fine of not less than one hundred nor more than one thousand dollars, and may be imprisoned for not less than three months, nor more than one year, or by both such fine and imprisonment.

Penalty.

Section 2.

Possession of any implements or apparatus for gambling.

Any person who has in his possession, or under his control, or who permits to be placed, maintained or kept in any room, space, enclosure or building, owned, leased or occupied by him, or under his management or control, any faro box, faro lay-out, roulette wheel, roulette table, crap table, slot machine, or any machine or apparatus of the kind mentioned in the preceding section of this act, is punishable by a fine of not less than one hundred nor more than one thousand dollars, and may be imprisoned for not less than three months, nor more than one year in the discretion of the court. Provided, however, that this section shall not apply to a public officer, or to a person coming into possession thereof in or by reason of the performance of an official duty and holding the same to be disposed of according to law.

Penalty.

Proviso.

Section 3.

Obtaining money by means of games.

Every person who, by means of any game, device, slight [sleight] of hand trick, or other means whatever, by the use of cards or other implements other than those mentioned in Section four hereof, or while betting on sides, or hands, of any such

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game or play, fraudulently obtains from another person money or property of any description, shall be deemed guilty of larceny of property of like value. Larceny.

Section 4.

Every person who uses or deals with or wins any money or property by the use of brace faro, or of any two card faro box, or any brace roulette wheel or roulette table, or any brace apparatus, or with loaded dice or with marked cards, or by any game commonly known as a confidence game or bunco, is punishable by imprisonment in the State Prison not exceeding five years. Brace games. Penalty.

Section 5.

Any person who persuades or solicits another to visit any room, tent, apartment or place used, or represented by the person soliciting or persuading to be a place used for the purpose of running any of the games prohibited by this act, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment not less than three months, nor more than one year, or by both such fine and imprisonment in the county jail. Soliciting. Penalty.

Section 6.

Every person who, having been convicted of a violation of any of the provisions of this act, which is punishable by fine, commits another such violation after such conviction, is punishable by a fine of not less than five hundred nor more than one thousand dollars, and by imprisonment in the county jail for not less than six months nor more than one year. Second offense. Penalty.

Section 7.

Any article, machine or apparatus maintained or kept in violation of any of the provisions of this act is a public nuisance, but the punishment for the maintaining or keeping of the same shall be as provided in this act. Public nuisance

Section 8.

It shall be the duty of every officer authorized to

Duty of peace officers to seize apparatus and arrest offenders.

make arrests, to seize every machine, apparatus, or instrument answering to the description contained in this act, or which may be used for the carrying on or conducting of any game or games mentioned in this act, and to arrest the person actually or apparantly [apparently] in possession or control thereof, or of the premises in which the same may be found, if any such person be present at the time of the seizure and to bring the machine, apparatus, or instrument and the prisoner, if there be one, before a committing magistrate.

Section 9.

Destruction of apparatus.

The magistrate before whom any machine, apparatus or instrument is brought, pursuant to the preceding section, must if there be a prisoner, and if he shall hold such prisoner, cause the machine, apparatus or instrument to be delivered to the county attorney to be used as evidence on the trial of such prisoner. If there be no prisoner, or if the magistrate does not hold the prisoner he must cause the immediate and public destruction of the machine, apparatus, or instrument in the presence of said magistrate. No person owning or claiming to own any such machine, apparatus, or instrument so destroyed, shall have any right of action against any person or against the state, county, or city for the value of such article, or for damages. It shall be the duty of the county attorney to produce such articles in court on the trial of the case. It shall be the duty of the trial court, after the disposition of the case, and whether the defendant be convicted, acquitted, or fails to appear for trial, to cause the immediate and public destruction of any such article by the sheriff or any other officer or person designated by the court.

Section 10.

Officer may break door.

Every sheriff, constable and public officer having probable cause to believe, that any room, tent, or apartment is being used as a room, tent or apartment for the

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playing or conducting of any of the games mentioned in this act, shall have authority to break open any door, or opening into any such room, tent or apartment, with or without a warrant of arrest, for the purpose of arresting the offenders against this act.

Section 11.

Duty of officers

Every county attorney, sheriff, constable, chief of police, marshal or police officer must inform against and make complaint and diligently prosecute persons whom they know, or concerning whom they may be informed, or whom they have reasonable cause to believe to be offenders against the provisions of this act. The neglect or refusal of any such officer to make complaint against or diligently prosecute persons he has reasonable cause to believe to be offenders against the provisions of this act, shall be deemed sufficient cause for removal from office.

Section 12.

Duty of Mayors

It shall be the duty of every mayor of every town or city in this state, to cause this act to be diligently enforced and to cause the police officers of his city or town to arrest and to make complaint against any and all persons whom he or they know, or have reasonable cause to betieve [believe?] to be offenders against any of the provisions of this act.

Section 13.

Failure to perform duty.

Every county attorney, sheriff, mayor, constable, chief of police, marshal, or police officer who shall refuse or neglect to perform any of the duties imposed upon him by any of the provisions of this act, shall be guilty of a misdemeanor and be punishable by a fine of not less than one hundred, nor more than three thousand dollars, or imprisonment for not less than six months, nor more than one year in the county jail. A conviction under this section shall unless set aside, also work a forfeiture of the office of such officer and operate as a removal from office. But a prosecution under this section shall not bar or interfere with any proceed-

Misdemeanor.

Penalty.

Removal from office.

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ing or action for removal from office which may be brought under any other provision of law or statute, nor affect or limit the effect or operation of any other statute regarding removals or suspensions from office.

Section 14.

Receiving money to protect offenders.

Every state, county, city or township officer, or other person, who shall ask for, receive or collect any money or other valuable consideration, either for his own or for the public use, or the use of any other person or persons, for and with the understanding that he will protect or exempt any person from arrest or conviction for any violation of the provisions of this Act, or that he will abstain from arresting or prosecuting, or causing to be arrested or prosecuted, any person offending against any of the provisions of this act, or that he will permit any of the things prohibited by this act to be done or carried on, and every such state, county, city or township officer, who shall grant, issue or deliver, or cause to be issued or delivered to any person or persons any license, permit, or other privilege giving or pretending to give any authority or right, to any person or persons to carry on, conduct, open, or cause to be conducted or opened or carried on, any game or games which are forbidden by any of the provisions of this act, is guilty of a felony.

Felony.

Section 15.

Action to recover money lost.

If any person, by playing or betting at any of the games prohibited by this act, loses to another person any sum of money, or thing of value and pays or delivers the same, or any part thereof, to any person connected with the operation or conducting of such game, either as owner, or dealer, or operator, the person who so loses and pays or delivers may, at any time within sixty days next after the said loss and payment or delivery, sue for and recover the money or thing of value so lost and paid or delivered, or any part thereof from any person having any interest, direct or contingent in the game, as owner, backer, or otherwise, with costs

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of suit, by civil action before any court of competent jurisdiction, together with exemplary damages, which in no case shall be less than fifty, nor more than five hundred dollars, and may join as defendants in said suit, all persons having any interest direct or contingent, in such game as backers, owners, or otherwise.

Exemplary damages.

Section 16.

If any person losing such money or thing of value does not, within sixty days, without collusion or deceit, sue and with effect prosecute for the money or thing of value so lost and paid or delivered, any person, or a guardian of any person, dependent in any degree for support upon or entitled to the earnings of such persons losing said money or thing of value, or any citizen for the use of the person so dependent may, within one year sue for and recover the same, with costs of suit and exemplary damages as aforesaid, against any and all persons having any interest, direct or contingent, in the said game as backers, owners or otherwise, as aforesaid.

Who may bring action.

Section 17.

In the prosecutions of such actions it shall be sufficient for the complaint to allege that the defendant is indebted to the plaintiff's use, the money or thing of value so lost and paid or delivered, whereby the plaintiff's action accrued to him, or to the person for whose use the suit is brought, without setting forth the special matter. In case suit is brought by a plaintiff for the use of another person, that fact and the name of the person for whose use the suit is brought shall be stated.

Allegations of complaint.

Section 18.

Every person liable in a civil action under this act, may be compelled to answer upon oath, interrogatories annexed to the complaint in such civil action for the purpose of discovery of his liability; and upon discovery and repayment of the money or other thing, the person discovering and repaying the same, with

Interrogatories.

Settlement and dismissal of action.

costs and such an amount of exemplary damages as may be agreed upon by the parties, or fixed by the court, shall be acquitted and discharged from any further or other forfeiture, punishment, penalty, or prosecution he or they may have incurred for so winning such money or thing, discovered and repaid.

Section 19.

Lease of premises void.

Whenever premises are occupied for the doing of any of the things, or running any of the games prohibited by this act, the lease or agreement under which they are so occupied shall be absolutely void at the instance of the lessor, who may at any time obtain possession by civil action, or by action of forcible detainer; and if any person lease premises for any such purpose, or knowingly permits them to be used or occupied for such purpose or purposes, or knowing them to be so occupied or used, fails immediately to prosecute, in good faith an action or proceeding for the recovery of the premises, such lessor shall be considered in all cases, civil and criminal, as a principal in running the games or doing the things run or done in such building, in violation of this act, and shall be dealt with and punished accordingly.

Lessor deemed principal.

Section 20.

Witness exempt from civil and criminal liability.

No person shall be excused from attending or testifying or producing any books, papers, documents, or any thing or things, before any court or magistrate upon any investigation, proceeding or trial for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture: but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence of, documentary or otherwise; and no testimony or evidence so given or produced shall be received against

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him in any civil or criminal proceeding, action or investigation.

Section 21.

Upon the passage of this act, all ordinances and parts of ordinances of cities and towns in this state regarding gambling and gambling houses shall be inoperative and void, and thereafter no ordinance regarding gambling or gambling houses shall be passed by any city or town. Ordinances void.

Section 22.

The act approved March 15, 1901, entitled "An Act to prohibit gambling within the State of Montana. to provide penalties for violations of this Act, and repealing an act of the Fifth Regular Session of the Legislative Assembly of Montana, approved March 4, 1897, and entitled "An Act to prohibit gambling within the State of Montana and to provide penalties for a violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this Act", and all Acts and parts of Acts in conflict herewith are hereby repealed. Act of March 15, 1901, repealed. Repealing clause.

Section 23.

This Act shall take effect from and after April 1, 1907. When Act takes effect.

Approved March 6, 1907.

CHAPTER 116.

"An Act to amend Section 875 of the Political Code, as amended by Senate Bill No. 75 of the laws of 1897, so as to increase the salary of the Clerk of the Supreme Court, and to amend Section 1716 of the Political Code, so as to increase the salary of the Superintendent of Public Instruction."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 875 of the Political Code, as amended, be and the same is hereby amended to read as follows: Political Code Section 875 amended.

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Clerk of Supreme Court, salary.

"Section 875. The annual salary of the Clerk of the Supreme Court for all services now required or which may hereafter be devolved upon him by law, is Twenty-five Hundred Dollars."

Section 2.

Political Code Section 1716 amended.

That Section 1716 of the Political Code be amended so as to read as follows:

Superintendent of Public Instruction, salary and traveling expenses.

"Section 1716. The annual salary of the Superintendent of Public Instruction, for all services now required of him or which may hereafter be devolved upon him by law, is Three Thousand Dollars. He shall also be paid his travelling expenses, actually and necessarily incurred in the discharge of his duties, not to exceed Five Hundred Dollars in any one year."

Section 3.

When Act takes effect.

This Act shall be in full force and effect on and after the first Monday of January of the year 1909.

Approved March 6, 1907.

CHAPTER 117.

"An Act authorizing and empowering the Carey Land Act Board to secure cancellation of bonds issued for the reclamation of arid lands, under the Carey Congressional Act, and accept bonds in payment for canals, water rights, lands and appurtenances, and execute deeds therefor, and to compromise claims, and make contracts for the reclamation and settlement of said arid lands."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Carey Land Act Board authority.

To cancel bonds issued, accept bonds in payment, execute deeds, compromise claims and make contracts.

The Carey Land Act Board is hereby authorized and empowered to take all steps necessary to secure cancellation of bonds issued for the reclamation of arid lands under the Act of Congress known as the Carey Act, and under any Acts of the Legislative Assembly of the State of Montana; to accept bonds in pay-

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ment for canals, water rights, lands and appurtenances and execute deeds therefor; to compromise claims and to make contracts for the reclamation and settlement of said arid lands.

Section 2.

This Act shall take effect and be in force from and after its passage. When Act takes effect.

Approved March 6, 1907.

CHAPTER 118.

"An Act to amend Sections 132 and 134 of the Civil Code of the State of Montana relating to divorces and separations and defining extreme cruelty."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 132 of the Civil Code of Montana, be and the same is hereby amended so as to read as follows: Civil Code Section 132 amended.

Section 132. Absolute divorces, or separations from bed and board, or decrees for separate maintainance [maintenance?] may be granted for any of the following causes:

1. Adultery.
2. Extreme Cruelty.
3. Wilful Desertion.
4. Wilful Neglect.
5. Habitual Intemperance.
6. Conviction of Felony.

Section 2.

That Section 134 of the Civil Code of Montana be and the same is hereby amended so as to read as follows: Civil Code Section 134 amended.

Section 134. Extreme Cruelty is the infliction, or threat of grievous bodily injury, or of bodily injury dangerous to life, or the repeated infliction, or threat Extreme cruelty defined.

of bodily injury or personal violence, upon the other party, by one party to the marriage, or the repeated publication or utterance of false charges against the chastity of the wife by the husband, or the infliction of grievous mental suffering upon the other by one party to the marriage by a course of conduct towards, or treatment of one party to the marriage, by the other existing and persisted in for a period of one year immediately before the commencement of the action for divorce, which justly and reasonably is of such a nature and character as so to destroy the peace of mind and happiness of the injured party, or entirely to defeat the proper and legitimate objects of marriage or to render the continuance of the married relation between the parties perpetually unreasonable or intolerable to the injured party.

Section 3.

When Act takes effect.

This act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1907.

CHAPTER 119.

"An Act to regulate the confiscation of coal by railroads and common carriers and providing penalties for the violation of this Act."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Confiscation of coal or fuel in transit.

It shall hereafter be unlawful for any person, railroad company or common carrier to confiscate or take for his or its own use or for the use of another any coal or other fuel in transit, except when such coal, or other fuel, is necessary for the preservation of life or property or is required for the moving of trains of such common carrier, provided that in a suit under

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this Act to recover the penalty and damages the burden of proof shall be on the person, railroad company or common carrier confiscating the coal or other fuel to show that such coal or other fuel was necessary for the preservation of life or property or was required for the moving of trains of such common carrier.

Burden of proof.

Section 2.

Any person, railroad company or common carrier who shall confiscate or take any coal or fuel either for his or its own use or for the use of another shall be liable to the consignee or owner of such coal, or fuel, in double the value of such coal, or fuel, at the point of shipment, "and such other damages as may be caused by the confiscation of such coal." Such liability to be exclusive of and in addition to any and all charges for the transportation of such coal or fuel, which charges for transportation shall be paid by the party confiscating such coal, or fuel.

Liability in double the value.

But in every case wherein coal or other fuel is taken or used by any such person, railroad company or common carrier, it shall be the duty of such person, railroad company or common carrier to notify the consignee by telegram or letter, immediately, of the taking of such coal and to pay and compensate him therefor within thirty days from the time of the taking.

Consignee to be notified immediately of confiscation.

Compensation to be paid within 30 days.

Section 3.

Any person, corporation or common carrier who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars, nor more than two hundred dollars.

Misdemeanor.

Penalty.

Section 4.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 5.

This Act shall be in force from and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

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CHAPTER 120.

"An Act to construct a Fish Way in Kootenai River at Kootenai Falls, Montana, and appropriating money therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Fishway in Kootenai River, authority to construct.

The State Game Warden is hereby authorized and directed to construct a fish way in the Kootenai river at Kootenai Falls, Montana, said way to be constructed in such manner as to allow the unobstructed passage of fish over said falls, the same to be completed on or before the first day of August, 1907. Said fish way may be constructed by the excavation of a suitable channel or in any other manner best calculated to subserve the purpose for which the same is intended.

Section 2.

Appropriation.

There is hereby appropriated out of any money in the Game and Fish Fund in the State Treasury not otherwise appropriated the sum of Five Hundred (500) Dollars to be used for the construction of the said fish way as provided in this Act. Said money to be expended under the direction and approval of the State Board of Examiners.

Section 3.

When Act takes effect.

This Act shall be in force from and after its passage and approval.

Approved March 6, 1907.

CHAPTER 121.

"An Act regulating the sale and providing for the inspection of oils used for illuminating and heating purposes, and in automobiles, establishing a standard test therefor and prescribing penalties."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Illuminating and heating oils, sale of regulated.

Hereafter it shall be unlawful for any person or persons, association or corporation, to sell or offer for sale, or to give away for illuminating purposes or for heating or burning, or power purposes in any automobile, engine, or in any machinery, any mineral or petroleum oil or any kerosene, gasoline, or benzine, or any oil, fluid, or substance, which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, whether manufactured in this State or not, which is below the standard grade as established by the tests prescribed in this Act. And it shall be conclusively presumed that all sales of kerosene oils are for illuminating purposes, unless the cask or vessel containing the same is labelled "For non-illuminating purposes" or some label equivalent thereto. Any person who violates the provisions of this Section shall be deemed guilty of a misdemeanor.

Section 2.

Test and standard.

In testing oil for illuminating purposes the Tester known as Foster Closed Oil Tester shall be used, and the oil to be tested shall not be heated faster than Four degree per minute. Any oil that will emit a combustible vapor at a temperature less than 110 degrees Fahrenheit, and gasoline used for heating, burning or power purposes in any automobile, engine, or in any machinery, which falls below 63 degrees, Baume, shall be deemed below the standard grade for the purpose of this Act, provided that nothing in this Act shall prevent the sale of distillate or other gasoline petroleum products where the product is sold under its proper commercial name and its specific gravity given.

Section 3.

Oil inspector.

The County Physician of each County shall be ex-

officio oil inspector in and for his county, and it shall be his duty to inspect and test samples of oil brought to him for that purpose upon the payment to him, for his own use, of the sum of One Dollar for making each test; provided, that tests may be made and evidence given with respect thereto by any competent person.

Fee.

Section 4.

Testing apparatus to be furnished by County Commissioners.

The Board of County Commissioners of each County are hereby authorized and it is hereby made its duty to furnish the County Physician with a proper apparatus for testing oil as herein provided; such apparatus to cost not more than Twenty ($20.00) Dollars; Provided that if the State has a State Chemist prior to the time such apparatus is contracted for such State Chemist shall determine the particular quality of the testing apparatus and shall notify the Board who shall thereupon purchase the apparatus decided upon by the State Chemist, but the cost of such apparatus shall not exceed the sum of Twenty Dollars, and the State Furnishing Board are hereby authorized to provide for the use of such State Chemist a testing apparatus at a cost not exceeding Fifty Dollars.

Section 5.

When Act takes effect.

This Act shall be in full force and effect from and after July First, 1907.

Approved March 6, 1907.

CHAPTER 122.

"An Act to amend Section 4044 of the Political Code of Montana as amended by Chapter XCII, laws of 1903, relating to licenses."

Be it Enacted by the Legislative Assembly of the State of Montana:

Political Code, Section 4044 amended.

Section 1.

That Section 4044 of the Political Code of Montana

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be and the same is hereby amended so as to read as follows:

Failure to take out license.

Section 4044. Against any person required to take out a license who fails, neglects, or refuses to take out such license, or who carries on or attempts to carry on business without such license, the county treasurer, must direct suit in the name of the State of Montana as plaintiff to be brought for the recovery of the license tax; and in such case either the treasurer or the county attorney must make the necessary affidavit for the writ of attachment, and such writ of attachment, may issue without any bonds being given on behalf of the plaintiff; and in case of a recovery by the plaintiff, fifteen dollars damages must be added to the judgment and costs to be collected from the defendent [defendant?]. It shall be the duty of the Board of County Commissioners or the state examiner, when examining the treasurer's report to investigate if any persons are doing business in the county without a license or if the amount of the license is sufficient. In either event the treasurer shall be officially notified and thereafter shall be personally liable for such license or increase unless he promptly proceeds under this section or under Section 4049 of the Political Code to collect the same.

Action to collect license.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

When Act takes effect.

This Act shall be in force and take effect from and after its passage.

Approved March 6, 1907.

CHAPTER 123.

"An Act providing for the submission to the electors of the State of Montana an amendment to Section 14 of Article XII of the Constitution of the State of Montana relating to the care and management of

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public moneys in the hands of public officers, and providing for a State Depository Board to direct the depositing of state moneys in the possession of the State Treasurer."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Amendment to Sec. 14 of Art. XII State Constitution to be submitted.

That there shall be submitted to the qualified electors of the State of Montana at the next general election, an amendment to Section 14 of Article XII of the State Constitution relating to the care and management of public moneys in the hands of public officers, and providing for a State Depository Board to direct the depositing of state moneys in the possession of the State Treasurer, so that said Section 14 will read as follows:

State Depository Board constituted.

To designate depositories for state funds.

Section 14. The Governor, State Auditor and the State Treasurer are hereby constituted a State Depository Board with full power and authority to designate depositories with which all funds in the hands of the State Treasurer shall be deposited, and at such rate of interest as may be prescribed by law. When money shall have been deposited under direction of said Depository Board and in accordance with the law,

State Treasurer not liable for loss of deposits.

the treasurer shall not be liable for loss on account of any such deposit occurring through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct.

Profiting by use of public money by any public officer, felony.

The making of profit out of public moneys, or using the same for any purpose not authorized by law, by the state treasurer or by any other public officer, shall be deemed a felony, and shall be punished as provided for by law and part of such punishment shall be disqualification to hold any public office.

Section II.

Ballot, form to be used.

A separate official ballot shall be prepared by the county clerk of each county and furnished to the judges

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of election in each precinct in the county to be used in voting upon said constitutional amendment at the general election to be held in November, 1908. Each ballot shall have printed thereon the words:

"For the amendment to the constitution providing for the care and management of public moneys and providing for a State Depository Board."

"Against the amendment to the constitution providing for the care and management of public moneys and providing for a State Depository Board."

And in canvassing the result the general election laws shall be applicable.

Section III.

It shall be the duty of the Governor to cause the question of the approval of said constitutional amendment to be submitted at the next general election.

Section IV.

This Act shall take effect and be in full force from and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

CHAPTER 124.

"An Act providing an open and closed season for the killing of deer."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Any person who between December 15th, of any year and September first of the following year wilfully shoots or kills, or causes to be shot or killed, any deer, or who in the open season of any calendar year shoots or kills, or causes to be shot or killed more than three deer shall be punished by imprisonment in the state prison for a term not exceeding one year or in the county jail not less than three months, or by a fine of not more than five hundred dollars nor less

Closed season for killing deer.

Number of deer that may be killed in open season.

Penalty.

than one hundred dollars, or by both such fine and imprisonment.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

CHAPTER 125.

An Act, entitled: "An Act to protect owners of horses, mules and asses, and to cause the inspection of the same before removal from one county to another or beyond the boundaries of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Inspection of horses, mules or asses, before shipment.

That, from and after the passage of this Act, it shall be the duty of any and all persons, associations or corporations, removing or taking horses, mules or asses from one county to another county in this state, or beyond the boundaries of this state, by railroad, or in any other manner whatsoever, for the purpose of selling such stock, or of offering the same for sale at any public sale, to cause the same to be inspected by a State stock inspector or by the sheriff of the county from which the stock is to be removed, as hereinafter provided, and no railroad company shall accept such horses, mules or asses for shipment unless the shipper shall produce a certificate of their inspection, as herein required; provided, however, that the provisions of this Act shall not apply to stock removed or taken from one county to another for the purpose of pasturing, feeding or changing of range therefor, nor to stock so removed or taken for the

Proviso.

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use by any person, association or corporation in the usual and ordinary conduct of their business.

Section II.

Stock inspectors' duties.

On receiving notice from any person, association or corporation that he desires to remove, ship or take from one county in this state to another county in this state, or beyond the state boundaries, any of the class of animals named in Section I, it shall be the duty of the stock inspector or sheriff of such county, from which such animals are to be taken, to immediately inspect the same by carefully noting the brands upon such animals and otherwise describing such animals, and to keep a full and complete record of all such inspections in a book to be provided for that purpose by the State Board of Stock Commissioners. Such description shall contain:

I. The brands of all animals branded, and the description of animals not branded.

II. The number of animals inspected for removal.

III. The name of the owner or person removing the same.

IV. The name of the person, corporation or association, from which the person removing the same made purchase of such animals.

V. The date of such inspection, with destination to which such animals are to be taken, and the means of their transportation.

VI. That none of such animals are suffering with any infectious or contagious disease.

Certificate of inspection.

If, in the opinion of the officer making the inspection, the person proposing to remove such stock is rightfully in possession of the same and that such animals are not infected with disease, he shall grant such person or persons, corporation or association, a certificate of inspection containing a statement of the matters hereinabove required, with a further statement that permission is granted to such person to remove such animals, either from the county or from

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the State, as the case may be. If, however, the officer or officers making such inspection shall be of opinion that such stock, or any portion thereof, is stolen or otherwise wrongfully in the possession of the person or persons proposing to remove the same, or who are infected with disease, the inspection certificate and permit to remove shall be withheld until satisfactory evidence is given to the inspector of the rightful possession of such property by the person or persons proposing to remove the same, and, in case of disease, until the State Veterinarian shall have made examination of the animals with-held on account of disease, and made written order and direction respecting their disposition. Such certificate of inspection and permit to remove shall be, by the holder thereof, exhibited to any person or persons demanding to see the same.

Section III.

Certificate of inspection.

It shall be the duty of the stock inspector or sheriff, immediately upon making the inspection herein required, in case he passes such livestock, to issue the certificate herein provided for, and to immediately transmit a duplicate of such certificate to the State Board of Stock Commissioners, to be by said board held and kept as a permanent record, and, in case he refuses to grant such inspection certificate because of question as to the ownership of the property, he shall immediately notify the State Board of Stock Commissioners of his refusal to grant such certificate and his reasons therefor; and, should he refuse to grant a certificate because of his belief that such livestock are infected with disease, the state veterinary surgeon shall be at once notified and requested to make inspection and examination.

Section IV.

Violations.

Any person removing or attempting to remove any livestock of the kind named in Section I of this Act, without first having received the certificate of inspection and removal, herein provided for, and any rail-

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road accepting for shipment any such property, without compelling the shipper to first give satisfactory evidence of his having received an inspection and removal certificate as herein provided, and any person refusing to exhibit such certificate upon proper demand, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or shall be punished by both such fine and imprisonment. All fines assessed and collected under the provisions of this Act shall be turned into the state treasury, and placed to the credit of the stock detective and inspection fund.

Misdemeanor.

Penalty.

Disposition of fine.

Section V.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section VI.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

CHAPTER 126.

"An Act, entitled: "An Act concerning delinquent children or delinquent juvenile persons; defining same and providing for their apprehension, custody and disposition; the jurisdiction of courts and proceedings therein, and concerning the parents, guardians and other persons responsible for the custody, care, guidance, education and maintenance and control of such children, and providing for their punishment in cases of delinquency therein."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

For the purpose of this Act, the words "delinquent

"Delinquent child" and "Juvenile delinquent person" defined.

child" and the words "juvenile delinquent person" shall respectively mean and include any child sixteen (16) years of age, or under such age, who violates any law of this state or any city ordinance of any city in this state; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or with a thief, or with a vicious or immoral person; or who is growing up in idleness or crime; or who knowingly visits or lives in a house of prostitution, or in a house of ill-fame; or who knowingly visits or patronizes any place, house apartment, or building where any gambling device is, or devices are, or shall be run or operated or used, or are kept for such purposes, or where any gambling is done or conducted; or who patronizes or habitually visits any saloon or saloons, dram shop or dram shops, or who purchases at any saloon or dram shop any wines, beverages or intoxicating liquors for itself or for others; or who patronizes or visits any pool room or rooms where pools are sold at any time; or visits or patronizes any bucket shop or shops; or who wanders about the streets of any town or city in the night time without being on any lawful business or occupation; or who habitually wanders about or visits any railroad yards or tracks, or jumps or hooks onto any moving train or trains; or who enters any car or cars, engine or engines without a lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place, or about any school house or school grounds; or who shall become addicted to the use of spirituous or intoxicating liquors as a beverage, and not for medicinal purposes prescribed by a physician.

Section II.

Juvenile delinquent person, who is—

Any child of the age of sixteen (16) years, or under such age, who shall commit any of the acts or do any of the things mentioned in the above Section I shall be deemed a delinquent child, or a juvenile delinquent

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person, and shall be proceeded against as such in the manner hereinafter provided.

Evidence not to be used against child.

A disposition of any child under this Act, or any evidence given in such cause, shall not in any Civil or Criminal, or other cause or procedure, whatever, in any court, be lawful or proper evidence against such child for any purpose whatever, excepting in any subsequent case against the same child prosecuted under this Act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may mean one or both parents when consistent with the intent of this Act.

Definition.

Section III.

Jurisdiction.

The District Courts of the several counties in this state shall have jurisdiction in all cases coming within the terms and provisions of this Act. In trials under this Act the child informed against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted, as in other cases, unless waived, or the judge of his own motion may call a jury to try any such case. A special record book or books shall be kept by the court for all cases coming under the provisions of this Act, to be known as "The Juvenile Record," and the docket or calendar of the court upon which there shall appear the case or cases, under the provisions of this Act, shall be known as "The Juvenile Docket." Between the first and thirteenth day of October of each year, the clerk of the District Courts shall submit to the State Bureau of Child and Animal Protection a report in writing, upon blanks, to be furnished by said Bureau, showing the number and disposition of delinquent children, and neglected and dependent children brought before such court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trials thereof; provided, that the name or identity of any such child or parent shall not be disclosed in such report.

Trial by jury.

"The Juvenile record."

"Juvenile Docket."

Clerks of court to report to Bureau.

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Section IV.

Procedure.

All proceedings under this Act shall be by information or sworn complaints to be filed by the county attorney as in other cases under the general laws of the state; provided, that the secretary and deputy secretaries of the State Bureau of Child and Animal Protection are hereby empowered to file sworn complaints before Justices of the Peace or Police Magistrates in counties wherein the District Court shall not be in session at the time of filing such complaints. In any such information or complaint filed under this Act the Act or Acts claimed to have been committed by the child proceeded against shall, in a general way, be stated therein as constituting such child a juvenile delinquent child or person.

Section V.

Child not to be incarcerated.

Upon the filing of any information under this Act, a warrant or capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless, in the opinion of the Judge of the District Court, or, in the absence of the Judge from the County Seat, then in the opinion of the Justice of the Peace or Committing and Examining Magistrate, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or, if his or her whereabouts or residence is not known, or if neither parent or guardian shall be in this state, then some relative living in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the written or verbal promise of such person so notified, except in felony cases, or of any other proper person, to be responsible for the presence of such child at the hearing of such case,

Service of notice.

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or at any other time to which the same may be adjourned or continued by the court. In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless, in the opinion of the court, there shall be a reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court, and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrant, capias or alias capias issued in such case may be executed as in other cases; provided, however, that no child within the provisions of this Act under fourteen years of age shall, under any circumstances, be incarcerated in any common jail or lock-up, and any officer or person violating this provision of this Act shall be guilty of a misdemeanor, and, on conviction, fined in a sum not to exceed one hundred ($100.00) dollars. Any such child, so informed against, shall also have the right now given by law to any person to give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint council [counsel?] to appear and defend on behalf of any such child.

Contempt.

Violation of Act.

Misdemeanor.

Penalty.

Bond.

Section VI.

When any child sixteen years of age, or under, is arrested with or without warrant, such child shall be taken directly before the District Court, or, if the District Court is not then in session in said county, it may be taken before a Justice of the Peace or a Police Magistrate, who shall act as a committing and examining magistrate only, and it shall be his duty to proceed with the hearing thereof, after granting to the child or such person as may be representing it, reasonable opportunity to obtain counsel, if counsel is desired by the accused, and as soon as the defendant can procure its witnesses. In case the examining magis-

Preliminary Examination.

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trate holds the child for trial in the District Court, it shall be the duty of the Magistrate to transfer the case to said District Court, and the officer having the child in charge to take the child before the Court, and the District Court may proceed to hear and dispose of the case in the same manner as if said child had been brought before the court upon information originally filed as herein provided: or, when necessary, in cases where the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until such information may be filed as in other cases under this Act or the laws of the state; provided, that nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child sixteen years of age, or under.

Section VII.

Appointment of probation officer.

The district courts of the several counties in this state shall have authority to appoint or designate the sheriff, or any deputy sheriff, or any constable of said county to serve as probation officer during the pleasure of the court, said probation officer to receive no compensation from the county treasurer, except as herein provided. In case a probation officer shall be appointed by the court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information or assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court. The actual traveling expenses of such probation officer, and the actual expense incurred in caring for such child, under and pursuant to the directions and approval of the court, shall

Probation officer.

Traveling expenses.

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be allowed by the court as costs, and a bill of particulars of said costs shall be prepared by the clerk of said court, and certified to by the clerk of said court to the county commissioners of said county, and it shall be the duty of the said county commissioners to pay the same in the same manner as other accounts against the county are paid. Costs.

Section VIII.

In any case of a delinquent child coming under the provisions of this Act, the court may continue the hearing from time to time, and may commit the child to the care of an officer and may allow said child to remain in its home, subject to the visitation of the probation officer; each child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child to the State Reform School, or the court may commit the child to any institution within the state, incorporated under the laws of this state, that may care for children, or which may be provided by the state or county, suitable for the care of such children, or to any state institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceeded against under the provisions of this Act be committed beyond the age of twenty-one. A child committed to any such institution shall be subject to the control of the Board of Managers, and the said board of managers of such

Hearing to be continued.

Disposition of child.

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institution shall have power to parole such child on such condition as it may prescribe; and the court shall, on the recommendation of the board, have power to

Discharge of child.

discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its object the care of neglected or delinquent children, and which has been duly credited as herein provided.

Section IX.

Visitation.

All institutions or associations receiving children under this Act shall be subject to the same visitation, inspection and supervision by the State Bureau of Child and Animal Protection or an officer thereof as are the public charitable institutions of the state, and it shall be the duty of the State Bureau of Child and Animal Protection to pass annually upon the fitness of any institution or association which may receive, or desire to receive, any child or children under the provisions of this Act; and every such institution or association shall, at such times as said Bureau of Child and Animal Protection shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be committed to it, and such other facts as such Bureau or officer may require, and upon said Bureau or officer being satisfied that any such association or institution is competent and has adequate facilities to care for

Certificate.

such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said Bureau. The court, or the judge thereof, may, at any time, require from such institution or association receiving or desiring to receive such children under the provisions of this Act, such reports, information and statements as the court or judge shall deem proper and necessary for his action, and the court shall, in no case, commit

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a child or children to any association or institution whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Section X.

Jurisdiction of Justice of the Peace.

Whenever the District Court in and for any county of this state is not in session, a sworn complaint may be filed before any justice of the peace or a police magistrate in said county against any person for a violation of any of the provisions of this Act, and, in case any person is arrested and brought before such justice or police magistrate, he shall have jurisdiction as an examining and committing magistrate only, and the proceedings before such justice of the peace or police magistrate shall be such as are prescribed in Chapter VII, Title III, Penal Code of Montana, as far as consistent with the purposes of this Act; but no child of the age of fourteen (14) years, or under such age, held by said justice or magistrate pending a hearing, or committed by him after hearing to await the action of the District Court, shall be confined in a common jail or locked up, but such child shall be cared for and held in the same manner as is provided for the care or custody of such child or children in cases pending before a District Court, and the justice or magistrate shall be empowered to make the proper orders in such cases provided for cases in the District Court.

Procedure.

Disposition of child.

Section XI.

Construction of act.

Nothing in this Act shall be construed to repeal any portion of Chapter II, Title IX, Part I of the Penal Code of the State of Montana, or any amendments thereof, nor shall anything in this Act be construed to repeal any law providing for the support, care, maintenance, guidance, education, or protection by parents of their minor children, and nothing in said laws shall prevent proceedings under this Act in any proper case.

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Section XII.

Act liberally construed.

This Act shall be liberally construed, to the end that its purpose may be carried out, to-wit: That the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that, as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

Section XIII.

Neglect of child by parent or guardian.

Any parent, or parents, legal guardian or other person having the custody of, or in any way responsible for the custody, care, guidance, education maintenance or control of any child of the age of sixteen (16) years, or under such age, who shall encourage, wilfully cause or contribute to, or through negligence in the care, custody, guidance, education, maintenance or direction of such child, cause or permit such child to violate any law of this state or the ordinance or ordinances of any city of this state; or to be or become incorrigible; or to knowingly associate with thieves, vicious or immoral persons; or to grow up in idleness or crime; or to knowingly visit or enter a house of prostitution; or to knowingly visit or patronize any place, house or apartment building where any gambling device is, or devices are, or shall be operated or run, or where any gambling is done or conducted; or to patronize or visit any saloon or saloons or dram shop or dram shops where intoxicating liquors are sold; or to patronize or visit any public pool room or rooms, or bucket shop; or to wander about the streets of any town or city in the night time without being on any lawful business or occupation; or to habitually wander about or visit any railroad yards or tracks, or jump or hook onto any moving train, or to enter any car or engine without lawful authority; or to habitually use vile, obscene, vulgar, profane or indecent language or be guilty of im-

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moral conduct in any public place or about any school house or grounds, or keep or permit it in or about any saloon or place where spirituous or intoxicating liquors are sold, or in any gambling house or place where gambling is practised, or in a house of illfame or prostitution, or to become addicted to the use of spirituous or intoxicating liquors, not for medicinal purposes prescribed by a physician, shall be guilty of a misdemeanor, and, upon trial and conviction thereof, shall be fined in a sum not exceeding one thousand ($1000.00) dollars, or imprisonment in the county jail for a period not exceeding nine months, or by both such fine and imprisonment.

Misdemeanor.

Penalty.

Section XIV.

The court may suspend any sentence for the violations of the provisions of Section XIII of this Act, or release any person sentenced under this Act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the State of Montana in such penal sum, not exceeding three thousand ($3000.00) dollars, as the court shall determine, upon conditions to be prescribed or imposed by the court, as seem most calculated to remove the cause of such delinquency of the child or children, and while such conditions are accepted and complied with by such persons, such sentence may, in the discretion of the court, remain suspended, and such persons shall be considered on probation in said court; in case a bond is given as provided herein the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

Suspension of sentence.

Bond.

Section XV.

Upon the failure of any person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term

Forfeiture of bond.

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of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served.

Section XVI.

Proceeding to recover penalty.

It shall not be necessary to bring a separate suit to recover the penalty of any such bond so forfeited, but the court may cause a citation to issue to the surety or sureties thereon, requiring that he or they appear at a time named therein by the court, which time shall not be less than ten nor more than twenty days from the issuance thereof, and show cause, if any there be, why judgement [judgment?] should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and, upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the State of Montana, against such surety or sureties. Any moneys collected or paid upon any such execution or in any case upon said bond shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of the child or children for whose dependency such conviction was had, in such manner and upon such terms as the District Court may direct; provided; that if it shall not be necessary in the opinion of the court to use such fund or any part thereof for the support and maintenance of such child, the same shall be paid into the county treasury and become a part of the funds of such county.

Disposition of money recovered.

Proviso.

Section XVII.

Place of trial.

The place of trial of any person complained of or informed against for the violation of any of the provisions of Section 13 of this Act shall be the county

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in which any child shall have been a delinquent child, unless a change of venue of the person complained of or informed against for the violation of said Section 13 is had, as provided by law for a change of venue in criminal cases.

Change of venue.

Section XVIII.

This Act to take effect and be in force from and after its passage and approval.

When Act takes effect.

Approved March 6, 1907.

CHAPTER 127.

"An Act to Provide for the Distribution to and among the Various Counties entitled thereto of the Money Derived from Forest Reserves in the State of Montana, under an Act of Congress Approved June 30th, 1906."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the State Treasurer for the purpose of carrying out the provisions of "The Agriculture Appropriation Bill, passed by Congress, and approved June 30th, 1906," shall divide and distribute the money derived by the State of Montana thereunder, to-wit; the sum of Five Thousand Seven Hundred and Sixty-Seven Dollars, and Ninety Cents ($5,767.90) among the various counties hereinafter named, as herein provided, and for that purpose shall draw his warrants for the amounts herein specified, payable to the Treasurer of the various counties, entitled thereto, as follows:

Distribution of money derived from Forest Reserves.

Flathead	County	$1211.25
Missoula	"	622.93
Beaverhead	"	496.03
Ravalli	"	415.28
Madison	"	363.37

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Park	"	299.94
Powell	"	253.80
Meagher	"	248.01
Gallatin	"	248.02
Lewis & Clark County		213.41
Granite	"	201.87
Jefferson	"	184.57
Carbon	"	178.80
Teton	"	155.73
Sweet Grass	"	144.20
Cascade	"	121.12
Deer Lodge	"	103.82
Fergus	"	74.98
Silver Bow	"	69.21
Broadwater	"	67.21
Custer	"	46.14
Sanders	"	34.60
Choteau	"	11.53

Section 2.

Percentages in distribution.

The State Treasurer shall also as soon as he receives the amount of money to which the State of Montana may be entitled under said Act, of Congress, from revenues from the Forest Reserves, for the year 1907, divide such money among the hereinafter named counties, in the proportion specified to-wit:

Flathead County		21 %
Missoula	"	10.8%
Beaverhead	"	8.6%
Ravalli	"	7.2%
Madison	"	6.3%
Park	"	5.2%
Powell	"	4.4%
Meagher	"	4.3%
Gallatin	"	4.3%
Lewis & Clark County		3.7%
Granite	"	3.5%
Jefferson	"	3.2%
Carbon	"	3.1%

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Teton	"	.....	2.7%
Sweet Grass	"	.....	2.5%
Cascade	"	.....	2.1%
Deer Lodge	"	.....	1.8%
Fergus	"	.....	1.3%
Silver Bow	"	.....	1.2%
Broadwater	"	.....	1.2%
Custer	"	.....	0.8%
Sanders	"	.....	0.6%
Choteau	"	.....	0.2%

and shall draw his warrant payable to the treasurers of the various counties entitled thereto for such amounts as shall be found to be due to each of said counties, as above provided.

Section 3.

Disposition of money by County Treasurer.

The said County Treasurer upon the receipt of the said amounts of money shall divide the same equally between and credit it to the General School Fund, and the General Road Fund of their several counties.

Section 4.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 6, 1907.

CHAPTER 128.

An Act to provide for the establishment of guide-boards at forks of public roads; defining the duties of county commissioners therein, and providing a penalty for defacement or injury to said guide-boards.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The several Board of County Commissioners in the

Guide-boards at forks of public roads, to be erected and maintained.

State of Montana must erect, or cause to be erected, within six months after the passage of this Act, and maintain at the expense of the county, suitable guide-boards at or within one hundred feet from forks of all county roads within their respective counties. Said guide-boards shall contain a suitable inscription indicating the way and naming the approximate or true distance to one or more of the nearest cities, towns, villages, or other known points situated on said road.

Proviso.

provided, however, that not more than four guide-boards shall be placed within any one unincorporated town or village of any county of this state. They must be of suitable size to contain the inscription, the background of which must be white. The letters contained in the inscription thereon shall be black, at least two inches in height, and legible.

Section 2.

Construction of.

Said guide-boards to be securely fastened to posts at least six inches in diameter at the butt, and at least eight feet in length, and planted in the ground so that said post shall be, when erected, at least six feet high above the ground.

Section 3.

Removing, injuring or defacing.

Every person who maliciously removes or injures any guide-board erected upon any highway, or any inscription on such, or defaces the same with writing, or in any other manner, is guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than ten ($10.00) dollars, nor more than twenty-five ($25.00) dollars and costs of suit. Such fine, when collected, shall be paid into the county treasury for road purposes.

Misdemeanor.

Penalty.

Disposition of fine.

Section 4.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5.

When Act takes effect.

This Act shall be in full force and effect from and after its passage.

Approved March 7, 1907.

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CHAPTER 129.

An Act, Entitled: "An Act to amend Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly of the State of Montana, relating to the salary of the Chief Clerk of the Bureau of Agriculture, Labor and Industry."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Section 4 of Substitute for Senate Bill No. 11, Session Laws of the Fifth Legislative Assembly, is hereby amended so as to read as follows: Laws of 1897, Sec. 4, page 111, amended.

Section 763 shall read as follows: Section 763: The Commissioner of said Bureau shall receive an annual salary of twenty-five hundred ($2500.00) dollars, and the Chief Clerk an annual salary of eighteen hundred ($1800.00) dollars. Commissioner of Bureau of Agriculture, Labor and Industry, salary. Chief Clerk, salary.

Section 2.

This act shall be in effect on and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

CHAPTER 130.

An Act to amend an Act Approved March 6, 1903, entitled: "An Act to amend Section 5117, Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, relating to the duties and authority of the trustee of Townsites."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Section 5117, Part IV, Title III, Chapter VIII, Article II, of the Political Code of the State of Montana, as the same is now in force after amendment by the Act of March 6, 1903, be amended so as to read as follows: Political Code, amended Section 5117 amended.

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Section 5117:

Townsites.

Unoccupied or unclaimed land, may be platted and sold.

If there be any unoccupied or vacant unclaimed lands within the limits of such city or townsite, the judge may cause the same to be laid out and surveyed into suitable blocks and lots, and must reserve such portions as may be deemed necessary for public squares, churches, school house lots, parks and levees, and cause all necessary roads, streets, lanes and alleys to be laid out through the same and dedicated to public use; and the judge may sell the same in suitable parcels to possessors of adjoining lands residing thereon, or to other persons residents of said town, at a price not less than ten dollars per lot; and in case two or more claimants apply for the same lot or lots, he must sell the same by auction to the highest bidder for cash. If any of such lots remain unsold at the end of six months after the filing of the town plat, the said judge must sell said unclaimed lots, on application, at public auction to the highest bidder for cash, and give deeds therefor to the several purchasers.

Manner of sale.

Section II.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 131.

An Act entitled: "An Act to prohibit the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, co-partnership or individual, which said statements or publications are intended to give, a greater apparent value to the shares, bonds or property, or any part thereof, of said corporation, joint stock association, co-partnership or individual

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than the said shares, bonds or property shall really and in fact possess, and providing a penalty therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Making or publishing false statement of condition or property of any concern.

Any person who knowingly makes or publishes, any book, prospectus, notice, report, statement, exhibit or other publication of or concerning the affairs, financial condition or property of any corporation, joint stock association, co-partnership or individual, which said book, prospectus, notice, report, statement, exhibit or other publication, shall contain any material statement which is wilfully and knowingly false so as to give a less or greater apparent value to the shares, bonds or property of said corporation, joint stock association, co-partnership or individual, or any part of said shares, bonds or property, than said shares, bonds or property, or any part thereof, shall really and in fact possess, shall be deemed guilty of a felony, and, upon conviction thereof, shall be imprisoned for not more than ten years, or fined not more than ten thousand ($10,000.00) dollars, or shall suffer both said fine and imprisonment.

Felony.

Penalty.

Section 2.

Repealing clause.

All Acts and parts of Acts which are in conflict with the provisions of this Act are hereby repealed.

Section 3.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 132.

"An Act to create a State Text Book Commission for the purpose of adopting and maintaining a uniform series of text books for the Public Schools of Montana; to regulate the price of same; define the du-

ties and powers of the said Commission, and appropriating a sum of money named therein for the expenses of said Commission."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

State text-book commission, to be appointed by Governor.

The governor is hereby authorized to nominate and appoint a state text-book commission consisting of seven members, five of whom shall be persons actively engaged in the common public school work of the state at the time of their appointment. The terms of three members of said Commission first appointed shall be for a period of three years each, and the terms of four members of said commission first appointed shall be for a period of five years each; and thereafter at the expiration of the respective terms of the members first appointed their successors shall be appointed by the Governor for a term of five years. If a vacancy occurs during the terms of any of the members of said commission by reason of death, resignation or otherwise, the governor shall make appointment to fill such vacancy and the person so appointed shall hold office until the expiration of the term for which the person he succeeds was appointed.

Term of office.

Section 2.

Organization of commission.

The Commission at its meeting shall organize by taking the constitutional oath of office, which oath shall be filed in the office of the Secretary of State, electing from among the members a president and secretary, and formulating rules for its government. Five members shall constitute a quorum for the transaction of all business. All votes cast for or against the adoption of any text books shall be recorded in the minutes of the Commission, together with the names of those voting for or against such adoption: Provided, that all meetings shall be opened to the public and that said Commission must make a full report to the Governor not later than the first Monday in November

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next preceding any regular or special meeting of the Legislature.

Section 3.

Meetings of commission.

The State Text Book Commission shall meet in the State Capitol in the city of Helena, on the third Monday in June, 1907, and every five years thereafter and the President of said Commission is authorized to call a meeting thereof on the first Monday of October next preceding the sessions of the Legislature, if in his opinion, there shall be business of importance to transact. He must also on ten days' notice to the members to be given by the Secretary, call a meeting of the Commission at any time to receive proposals and to enter into contracts with publishers for supplying text-books whenever new contracts shall become necessary by reason of the contracts for certain books heretofore entered into becoming terminated by recission [recession?] or otherwise ceasing to be in full force and effect, and to adopt additional supplementary books whenever it is deemed for the best interests of the schools of the State. At the meeting held on the third Monday in June, 1907, and every five years thereafter the Commission shall adopt a uniform series of text books for use in all the public schools of the state not including high schools. Said Commission may adjourn from day to day until it shall have made such adoption, provided the session shall not continue beyond six actual days, and nothing herein contained shall be so construed as to have any reference to Section 2000 of the Political Code relating to school libraries, but said section shall remain in full force and effect.

Section 4.

Beginning with April 1st, 1907, and every five years thereafter in which a full series of text-books is to be adopted in conformity with this Act, the Superintendent of Public Instruction shall advertise for thirty days in two daily newspapers in this state giving notice that the Text-Book Commission will meet, as here-

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Proposals for supplying text books.

in provided, and that they will receive sealed proposals up to twelve o'clock, noon, of said third Monday in June, for supplying the State of Montana with a series of basal text-books for use in all the public schools of said state, for a period of five years from and after first day of September A. D. 1907, and every fifth year thereafter, in the following branches to-wit:—Reading, Spelling, Writing, Arithmetic, Geography (elementary and advanced) Language and Grammar, Physiology and Hygiene, Civil Government (state and national) History of the United States (elementary and advanced).

Said Commission are hereby empowered to adopt such other text-books supplementary to the basal text books above referred to as they may deem advisable. Said sealed proposals shall be addressed to the Chairman of the State Text-Book Commission, Helena, Montana, and shall be indorsed "Sealed proposals for supplying text-books for use in the State of Montana." Said proposals shall state the net wholesale prices at which the publishers whose books may be adopted by the Text-book Commission, will agree to deliver the same in the City of Chicago, Illinois, F. O. B., to merchants in Montana, or to school districts purchasing the same. They shall also state the exchange prices for new books adopted in exchange for the old books in the hands of the pupils, and for new books in hands of districts or dealers, which may be displaced, grade for grade, and shall further state the retail price at which they will keep all the text-books so adopted on sale uniformly in at least one place in each county through out the State. Whenever any contract shall be terminated by recission [recession?], or shall otherwise cease to be in force and effect, the text-book Commission shall, within ten days after the termination of such contract advertise in the same manner and for the same length of time as elsewhere mentioned in this section for proposals to furnish text-books on the

What proposals must state.

Termination of contract.

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same subjects as those embraced within such contract for the same length of time and bids shall be received in the same manner as hereinbefore provided. The publishers, contracting and agreeing to supply text-books for use in the State of Montana under the provisions of this Act, shall cause to be prepared a special map and special supplement descriptive of Montana for the geography adopted by said Commission. They shall also cause to be prepared a special supplement for Montana for the Civil Government adopted, which supplement shall contain not less than thirty pages. They shall further agree to maintain the mechanical excellence of the books adopted by said Commission, fully equal to the samples submitted, in binding, printing, quality of paper, and other essential features, and the books shall be of the latest revised edition. The map and special descriptive geography of Montana shall be revised every five years by the publishers.

Special maps and supplement of Montana.

Section 5.

It shall be the duty of said Text-Book Commission to meet at the time and place mentioned in said notice and open sealed proposals in the presence of a quorum of said Commission and in public to select and adopt such text-books, both basal and supplementary, for use in all the public schools of this state. The series of text-books, so selected and adopted by said Text-Book Commission shall be certified to by the Chairman and Secretary and said certificate with a copy of all the books named therein shall be placed on file in the office of the Superintendent of Public Instruction. Such certificate must contain a complete list of all books adopted by said Commission, giving the wholesale, retail and exchange prices for which each kind and grade will be furnished, as provided in the preceding section, and the name of the publishers contracting to furnish the same. The said books named in said certificate shall for a period of five years from and after the first day of September of

Selection of text-books.

Certificate of selection.

For period of 5 years.

the year in which they are adopted be used in all the public schools of the State to the exclusion of all others. And in the case of any text book whose publication shall not have been completed before the meeting of the State Text Book Commission, it shall be permissable [permissible] for the publisher in making a bid to file with the Commission a copy of the manuscript of such text book, together with such exhibits as will satisfactorily illustrate the quality of paper, typography and binding to be used in the publication of such text book, and it shall be permissable [permissible?] for the Commission to adopt such text book in their discretion, the same as in the case of any text book previously published. Provided, that nothing in any part of this Act shall be so construed as to prevent the purchase or use by any person or district of any supplementary or reference books for use in any of the schools of the state.

Exhibit by publisher.

Proviso.

Section 6.

The said Text-Book Commission shall have power to make such contracts and agreements for the use and supply of text-books in the name of the State as they shall deem necessary for the best interests of the public schools of the State, and shall require of all publishers contracting and agreeing to furnish books adopted by the said Text-Book Commission bonds equal in amount to one-half the value of the books to be furnished, conditioned that upon the failure on the part of such publishers to comply with the terms of such contracts or any part thereof, in any County of the State, upon notice being given as provided for herein, said bonds, may, by the Governor of the State of Montana be declared forfeited, and actions brought in the name of the State upon such bonds to recover the full amount named therein which amount shall be deemed to be fixed and liquidated damages for the breach of such contracts; Provided, that the Text-Book Commission may, at their discretion, reject any and

Contracts and agreements.

Proviso.

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all proposals if it be deemed by them to be to the interests of the State so to do, and they shall advertise for new proposals, stating the time when such new proposals will be received by them, not later, however, than thirty days from the rejection of the first proposals: Provided, further, that the contract price of such books shall not exceed the lowest wholesale price charged for the same books in Chicago, F. O. B., to any state in the United States.

Proviso.

Section 7.

The contract with the publishers shall take effect only when the publishers of the books adopted by the said Text-Book Commission shall have filed with the Secretary of State their bond, with at least two sufficient sureties, to be approved by the Governor in such sum as shall be determined, by said Text-Book Commission, conditioned, that they shall comply with the terms of their proposal to the State and such further conditions as may be agreed upon between said Text-Book Commission and the publishers contracting with the State.

Contract, when to take effect.

Section 8.

In case the publishers of the books adopted by the said Text-Book Commission shall not on or before the 15th day of July, A. D. of the year in which the series of text-books is to be adopted have filed with the Secretary of State their bond as hereinbefore provided, or in case they shall not on or before the 15th day of July A. D. of said year have performed all the obligations of their contracts with respect to the exchange and introduction of books and the preparation and supply of the special maps, and the special descriptive matter for the geography so adopted, or the special supplement for the Civil Government, or in case they shall at any time thereafter violate or fail to perform any of the conditions specified in their bond as hereinbefore provided and shall fail within reasonable time after due notice has been given by

Failure of publishers to perform all their obligations, annuls selection.

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the Governor to make good their guarantee in any respect in which they may have failed, then this adoption shall become null and void. The said text-books adopted by the said Text-Book Commission under this Act and upon compliance of the publishers of the conditions aforesaid shall continue in use for the period of five years from the first day of September of the year above mentioned to the exclusion of all others except as herein otherwise provided.

Text-books adopted to be in use for 5 years.

Section 9.

Whenever the publishers of the books adopted under the provisions of this bill shall have filed their bonds as hereinbefore provided, it shall be the duty of the State Superintendent of Public Instruction to cause all prices of the text-books as guaranteed by the publishers to be properly printed and distributed through the County Superintendents to the trustees of all school districts in the State who shall cause the same to be kept constantly posted in a conspicious [conspicuous?] place in each school room in their district and it shall be the duty of the several county superintendents to keep themselves informed as to whether such prices are actually maintained by the said publishers, and at once notify the Superintendent of Public Instruction of any violation of the contracts entered into by virtue of the authority contained in this Act, which may come to their knowledge, and it shall be the duty of the Superintendent of Public Instruction to promptly communicate such information to the Governor.

Price list of books to be printed and distributed.

Section 10.

Any school officer, teacher or trustee, who shall use or provide for the use in the public schools of the State text-books other than those adopted by the said Text-Book Commission, except as herein otherwise provided, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Providing books other than those adopted.

Misdemeanor.

Penalty.

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Section 11.

Annual report by trustees or clerks, regarding books used.

All county superintendents and all school officers are charged with execution of this law and the county school superintendent shall require the trustees of the several school districts or the clerks thereof, to report annually whether or not the authorized text-books are used in their schools.

Section 12.

Free text-books, election on.

Upon the petition of five legal voters of any school district other than in incorporated cities, and upon petition of one hundred legal voters in incorporated cities, towns, and villages, filed with the Board of Trustees or Board of Education, it shall be the duty of the Board of Trustees or Board of Education as the case may be, to notify the voters of such school district that an election "for" or "against" free text-books will be held at the next ensuing election for members of the Board of Trustees or Board of Education, and the ballots to such effect shall be received and canvassed at such election and if a majority of all the votes cast in the district shall be found to be in favor of free text-books it shall be the duty of the Board of Trustees or Board of Education as the case may be, to purchase at the expense of such district all the text-books required for use of all the pupils attending school in such school district; and said text-books shall be loaned to the pupils of said public schools, free of charge, subject to such rules and regulations as to care and custody, as the Board of Trustees or Board of Education shall prescribe; Provided, that the pupils may purchase at cost any of the text-books so furnished, when desired by them. Provided, that the question of free text-books shall be submitted to a vote in every school district in the State at the regular election held on the first Saturday of April, 1907 or any year thereafter without petition as hereinbefore provided for, and the notice of such election must, in addition to the other matters required by law, con-

Purchase of text-books.

Proviso.

Proviso.

tain a statement of the fact that the question of free text-books will be voted upon at such election.

Section 13.

Special levy may be made for furnishing free text-books.

That for the purpose of raising money to pay for school books, which may be furnished to pupils free by any district adopting free text-books a special levy upon the taxable property of such district, shall be made by the County Commissioners of the county on estimates furnished by the school trustees of the district, if the money received from the general fund from the district be insufficient and said levy shall be made within thirty days from and after the adoption of said free text-books in any district that has by majority vote adopted the same, and when made the tax levied shall be collected in the same manner as other taxes are collected; Provided, further, that any district that shall furnish free text-books shall have the right, through its Board of Trustees, to adopt supplementary books within the meaning of this Act and provided that this adoption has been authorized by a two-thirds vote of the trustees of said district.

Proviso.

Section 14.

Compensation for members.

The members of said Text-Book Commission provided for by this Act, shall receive the sum of $6.00 per diem for each day necessarily engaged in transacting business and while in session, and actual traveling expenses; and there is hereby appropriated the sum of One Thousand Dollars per year, or so much thereof as may be necessary to carry out the provisions of this Act; Provided, that said Commission shall not be in session more than ten days in any one year.

Appropriation.

Section 15.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 16.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 7, 1907.

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CHAPTER 133.

"An Act to Amend An Act Approved March 18, 1901, entitled 'An Act Creating the Office of Inspector of Coal Mines, Defining His Duties, and Providing for His Salary and Providing Penalties for the Violation Thereof.' Creating the office of Coal Mine Inspector and making the Coal Mine Inspector Ex-Officio the Sealer of Weights and Measures for Coal Mines, and Providing for His Removal From Office for Cause; Also Defining the Duties of said Coal Mine Inspector, Providing for His Salary and Providing Penalties for the Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Coal mine inspector, appointment and term of office.

The Governor, by and with the advice and consent of the Senate, shall appoint one coal mine inspector who shall hold office for a term of four years from the date of his appointment, unless otherwise removed by the Governor.

Section 2.

Qualifications.

No person shall be eligible to the office of coal mine inspector until he shall have attained the age of thirty years, must be a citizen of the United States, a qualified resident of the state of Montana and been actually employed at coal mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. Said inspector shall be a graduate of some recognized school of mines.

Section 3.

Salary.

The salary of the state coal mine inspector shall be Twenty-five Hundred Dollars per annum and all necessary and traveling expenses; the state coal mine

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Bond.

inspector shall file with the state treasurer a bond, approved by the Governor of the state, in the sum of Five Thousand Dollars, for the faithful performance of his duties.

Section 4.

Powers and duties.

The state coal mine inspector shall have the right and it is hereby made his duty, to enter, inspect, and examine any coal mine in this state and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the acts providing for the regulation of coal mines, or other acts which may hereinafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit. It shall also be the duty of the said coal mine inspector to carefully examine all the coal mines in operation in this state at least every three months and oftener if necessary; to see that every precaution is taken to insure the safety of all workmen that may be engaged in said coal mine. The said inspector shall make a record of the visit, noting the time and the material circumstances of the inspection.

Section 5.

Not to be employed by any mining company.

The said coal mine inspector while in office shall not act as agent for any corporation, superintendent or manager of any mines, and shall in no manner whatever be under the employ of mining companies,

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and it shall be the duty of the said coal mine inspector on or before the first day of January of every year, to make a report to the Governor of his proceedings as such coal mine inspector and the conditions of each and every coal mine in the state, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mining. Annual report.

Section 6.

For the more efficient discharge of the duties herein imposed upon him, the said coal mine inspector shall be furnished at the expense of the state, with an anemometer, a safety lamp and whatever other instruments or other appliances which may be required in order to carry into effect the provisions of the acts regulating coal mines. Instruments to be furnished.

Section 7.

The state coal mine inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in said mine; such statement shall give the date of inspection and be signed by the said inspector. He shall also post a notice at the landing used by the men stating what number of men may be permitted to ride on the cage, car or cars at one time, and what rate of speed men may be hoisted and lowered on the cage, car or cars. He must observe especially that the code of signals provided in the act regulating coal mines, between the engineer and top men and bottom men, is conspicuously posted for the information of all employes. Notices to be posted at mines.

In case of the death, resignation or removal from office of the state coal mine inspector before the expiration of the term of office, the Governor shall Vacancy, how filled.

appoint a duly qualified person as provided in this act, to fill the vacancy for the unexpired term.

Section 8.

Temporary vacancy.

In case the state coal mine inspector becomes incapacitated and cannot perform the duties of his office for a period longer than two weeks, it shall be the duty of the Governor to deputize some competent person having the qualifications provided in this act, to fulfill the duties of the said inspector until the said inspector shall return to the performance of his official duties; and the person deputized by the Governor shall be paid by the state out of any moneys in the general fund of the state not otherwise appropriated, for the services rendered, at the same rate as received by the state coal mine inspector.

Section 9.

Ex-officio sealer of weights and measures.

The state coal mine inspector is hereby made, equally with the county clerk, ex-officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the county clerk of any county. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights and measures, or under and by virtue of any

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municipal ordinance or regulation, then the test by such mine inspector shall prevail.

Section 10.

Standard test weights, to be furnished.

For the purpose of carrying out the provisions of this act, the state coal mine inspector shall be furnished by the state with a complete set of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines; said test weights shall remain in the custody of the state coal mine inspector for use at any point within the state, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

Section 11.

Refusal of operator to furnish facilities.

If any operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth his refusal, with the judge of the district court in said county in which said mine is situated, either in term-time or vacation, and obtain an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Contempt.

Section 12.

Investigation of charges of neglect of duty, etc.

Whenever a petition signed by fifty or more reputable citizens, legal residents of the state, verified by oath by two or more of the said petitioners, and accompanied by a bond in the sum of Five Hundred Dollars, running to the state, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county or counties of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges, setting forth that the inspector of mines neglects his duties or is incompetent, or is guilty of

malfeasance in office, it shall be the duty of the judge of the district court of the county, to issue a citation in the name of the state to the said inspector, to appear at not less than five days' notice, on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners; such action shall be prosecuted by the county attorney.

Section 13.

If charges are sustained.

If the court finds that the said mine inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance in office, the court shall certify the same to the Governor, who shall declare the office of said mine inspector vacant, and proceed in compliance with the provisions of this act to supply the vacancy; and the costs of such investigation shall, if the charges are sustained, be imposed upon the state coal mine inspector.

Section 14.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 15.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 134.

"An Act providing for the establishment of Wash Houses at Coal Mines and providing penalties for failure to comply with the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Wash houses at coal mines to be provided.

Section I. It shall be the duty of the owner, operator or superintendent of any coal mine in the State of Montana, to provide a suitable building, not

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an engine or boiler house, which shall not be over eight hundred feet from and convenient to the principal entrance of such mine, for the use of the persons employed therein for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold and warm water, and be provided with facilities for persons to wash, and a suitable locker for each person to be used by him as a repository for his clothes. If any owner or operator of a coal mine shall fail to construct and maintain a wash house as herein provided, he shall be subject to a fine of not less than twenty-five dollars per day for each day of such violation. If any person shall maliciously injure or destroy, or cause to be injured or destroyed, the said building, or any part thereof, or any of the appliances or fittings used for supplying light, heat or water therein, or doing any act tending to the injury or destruction thereof, he shall be deemed guilty of an offense against this Act, and shall be subject to a fine of not less than Five Dollars nor more than One Hundred Dollars or imprisonment of not less than five days nor more than sixty days, or both such fine and imprisonment.

Failure to provide.

Penalty.

Injuring or destroying.

Penalty.

Section 2. This Act shall take effect and be in full force from and after six calendar months next following its passage and approval.

When Act takes effect.

Approved March 7, 1907.

CHAPTER 135.

"An Act to Provide for an Additional Judge for the Fourth Judicial District, so that there will hereafter be two Judges in said District, one of whom shall keep his Chambers at the town of Hamilton, Ravalli County."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Fourth Judicial District.

That from and after the passage and approval of this Act, there shall be two judges in the Fourth Judicial District.

Section II.

Additional Judge, appointment and term of office.

That the Governor of this State shall duly appoint some fit and qualified person as additional Judge of the said Fourth Judicial District to hold his office until the first Monday of January in the year 1909, or until his successor shall be duly elected and qualified.

Section III.

Chambers at Hamilton.

That (one of the Judges of said Fourth Judicial District) shall maintain his chambers at Hamilton, the County Seat of Ravalli County in said District, except when otherwise engaged in holding Court in said District.

Section IV.

Compensation, powers and duties.

The compensation, powers and duties of the said Judge in said Fourth Judicial District in this Act created shall be the same as are provided by law and the constitution of the State for District Judges, save and except as otherwise provided in this Act.

Section V.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section VI.

When Act takes effect.

That this Act shall be in full force and effect from and after its passage and approval by the Governor

Approved March 7, 1907.

CHAPTER 136.

"An Act regarding the organization, management, control and discipline of the police departments of cities and towns, and providing for an examining and trial

board in connection therewith; for the appointment of members of the department, and relating to the compensation of members of the department, and to other matters connected therewith."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Police departments in cities.

There shall be in every city and town of this state a police department, which shall be organized, managed and controlled as in this Act provided.

Section 2.

Under supervision of mayor.

The mayor of all cities and towns shall have charge of and supervision over the police department thereof. He shall appoint all the members and officers thereof. Subject to the provisions of this Act, he shall have the power to suspend or remove any member or officer of the force. He shall make rules and regulations, not inconsistent with the provisions of this Act, the other laws of the state or the ordinances of the city or town council, for the government, direction, management and discipline of the police force.

Power to appoint, suspend or remove officers.

Section 3.

Term of police officers.

All the members of the police force shall be first appointed for probationary terms of six months, and thereafter the mayor may appoint the members thereof to hold, and if so appointed they shall hold, during good behavior, or until by age or disease they become permanently incapacitated to discharge their duties.

Section 4.

"The Examining & Trial Board of the Police Department."

In cities of the first class the mayor shall nominate, and with the consent of the council appoint, three residents of such city, who shall have the qualifications required by law to hold a municipal office therein, and who shall constitute a board to be known by the name of "The Examining and Trial Board of the Police Department," and who shall hold office for two

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years and until their successors are appointed and qualified.

The council of any town or city other than a city of the first class may provide by ordinance for such a board in any such town or city.

Compensation.

The compensation of the members of such board shall be fixed by the council, but shall not exceed ten (10) dollars per day, nor more than fifty (50) dollars per month for each member in cities of the first class; nor more than five (5) dollars per day, nor more than twenty-five (25) dollars per month for each member in any other city or in any town.

Section 5.

Examination of applicants for position on police force.

All applicants for positions on the police force shall be required successfully to undergo an examination before this board, and to receive a certificate from said board that the applicant is qualified for appointment upon the police force. It shall be the duty of the board to examine all such applicants as to their legal, mental, moral and physical qualifications and ability to fill the position of member of the police department, and shall, subject to the approval of the mayor, make rules and regulations regarding such examinations, not inconsistent with this Act or the laws of the state. And said board shall also have the jurisdiction, and it shall be its duty, to hear, try and decide all charges brought by any person or persons against any member or officer of the police department. A notice of not less than two days must be given to the accused of any charge made against him and of the time set for the hearing and trial thereof. No member or officer of the police force in cities of the first class shall be discharged without a hearing or trial before said board, and if such a board be instituted in any city of any other class, or in any town, then the same rule shall prevail regarding hearings and trials and the right thereof as in cities of the first class.

Suspension of officer.

The mayor, and the chief of police subject to the ap-

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proval of the mayor, shall have the power to suspend a policeman, or any officer under the chief, for a period of not exceeding ten days in any one month without any hearing or trial. The examining board shall decide whether the charge or complaint is proven or not proven but shall not have the power to discipline or impose a punishment. Where a charge or complaint against a member of the force is found proven by the board, the mayor, or the chief of police with the approval in writing of the mayor, may order the suspension from pay for some definite time of the member or officer found guilty or impose upon him a fine not exceeding Fifty dollars, or reduce his grade, or discharge him from the police force, or subject him to any other discipline prescribed in the rules of the police department which is not inconsistent with the provisions of this Act or with other laws of the State.

Decision of board final.

The decision of the board shall be final and conclusive, and shall not be subject to review by any court, on question of fact. The district court of the proper county shall have jurisdiction, however, in a suit brought by the officer or member, to determine whether the essential requirements of law have been complied with in the matter of his trial.

Section 6.

Charges against officer, how made.

If a charge be made by any person against any member or officer of the police force that he is incompetent, or has been guilty of neglect of duty, misconduct in his office, or of conduct unbecoming a police officer, the charge must be put in writing in the form required by the rules of the examining and trial board and a copy thereof must be served upon the accused officer or member at least two days before the hearing. It is then the duty of the said board to hear, try and determine the charge according to the rules of said board and of the police department. The accused has the right to be present at this trial and be heard in person

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and by counsel and to give and furnish evidence in his defense.

Trial proceedings.

All trials shall be open to the public. The chairman, or acting chairman, of the board shall have power to issue subpoenas, attested in its name, to compel the attendance of witnesses upon any proceeding authorized by the rules and regulations of said board or of the police department, and any person duly served with a subpoena is bound to attend in obedience thereto, and the board shall have the same authority to enforce obedience to the subpoena, and to punish for disobedience thereof, as is possessed by justices of the peace in like cases.

Section 7.

Vacancy to be filled from list of eligibles.

In case of any vacancy in the police force, the same shall be filled from a list of persons eligible to appointment under this Act.

Section 8.

Exemptions.

No member of the police force shall be liable to military or jury duty, or to arrest on civil process, while actually on duty, nor shall he hold any other office, or be employed in any other department of the city or town government.

Section 9.

Not to take part in political convention.

No officer or member of the police department shall be a member of, or delegate to, any political convention, nor shall he be present at such convention, except in the performance of duty relating to his position as such officer or member.

Section 10.

Not to solicit or attempt to influence voters.

It shall be unlawful for any officer or member of the police department to solicit any person to vote at any political caucus, primary or election for any candidate, or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or at any election, or be a member of any political committee.

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Section 11.

City council may make additional regulations.

In addition to the provisions herein contained, the city or town council may make any ordinances, not inconsistent with this Act, or any law of the State, for the government of the police department, and for regulating the powers and duties of its officers and members.

Section 12.

Qualifications.

The members of the police department, at the time of their appointment under this Act, shall be not less than twenty-one years of age nor more than fifty years of age, but this restriction shall not apply to any member of the present police department; and they shall have been citizens of the United States and residents of the city or town at least two years prior to such appointment. They must be able to speak and write understandingly the English Language.

Section 13.

Chief of police, salary.

The salary of the chief of police in cities of the first class shall be not less than one hundred nor more than three hundred dollars per month, and within these limits the salary of the chief of police may be increased from time to time by the mayor, subject to the consent and approval of the council.

Section 14.

Repealing clause.

All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, but nothing herein contained shall abridge any of the powers possessed by the mayor of any city or town under any other provision of law or any ordinance.

Section 15.

When Act takes effect.

This Act shall take effect at noon, on the first Monday of May, 1907.

Approved March 7, 1907.

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CHAPTER 137.

An Act, entitled: "An Act prescribing the conditions upon which foreign corporations or joint stock companies may carry on the business of banking in the State of Montana; regulating them, and providing penalties and punishments for violations of its provisions, and repealing "An Act regulating foreign corporations and joint stock companies doing business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof," approved March 7, 1905.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Banking business by foreign corporations.

No foreign corporation or joint stock company shall keep any office for the purpose of receiving deposits or discounting notes or bills, or buying and selling exchange, coin, or bullion, or shall do any banking business whatever, within this state, except as hereinafter provided.

Every corporation or joint stock company not now or hereafter created, organized and existing under the laws of Montana, shall be deemed a foreign corporation or joint stock company; provided; always, that this Act shall not apply to any National Banking Association organized under authority of the Congress of the United States.

Section II.

Branch bank, how it may be established.

Any foreign corporation or joint stock company may establish and maintain a branch bank in any city, town or village in this state, upon complying with the following requirement, and obtaining a certificate from the state auditor, as hereinafter provided; that is to say, such foreign corporation or joint stock company shall set aside and pay into the treasury of such branch bank a sum of money at least equal to the amount of capital stock required for a National Bank, at the place

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where such branch bank may be located, which payment shall be certified under oath to the state auditor by the local manager of such branch bank.

Section III.

Certificate of State Auditor.

The state auditor shall, upon compliance with the foregoing requirements, issue a certificate to such branch bank, stating that it has complied with the provisions of this Act and is entitled to do a banking business at the place designated in such certificate. A new certificate shall be issued, by the state auditor, on the 1st day of January in each year; provided, that the capital herein required shall be unimpaired, and the other provisions of this Act have been complied with.

Section IV.

Requirements.

Every such branch bank of any foreign corporation or joint stock company doing a banking business in this state shall, at all times, have on hand in such branch bank, in lawful money of the United States, an amount equal to at least ten per centum (10%) of the aggregate amount of its deposits of all kinds. Whenever the said reserve fund shall be below twenty per centum (20%) of such deposits, such branch bank shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion between the aggregate amount of its said deposits and its lawful money of the United States has been restored. The State examiner may notify such branch bank, whose lawful money reserve shall fall below the amount required to be kept on hand, to make good such reserve, and if such bank shall fail for thirty days thereafter so to make good its reserve of lawful money, the state auditor shall thereupon cancel the certificate theretofore issued by him to such branch bank.

Section V.

Reports to State Examiner.

Every such branch bank of any foreign corporation or joint stock company shall make, to the state exam-

iner, not less than five reports during each year, all at his call, not less than two calendar months to intervene between each call, according to the form which may be prescribed by him, verified by the oath or affirmation of the resident manager or cashier of such branch bank, which said statement must contain a full abstract of the general accounts of the bank, and exhibit in detail under appropriate heads, the resources and liabilities thereof, so as to plainly show all of the resources and liabilities, and the amount and kind thereof; which said statement shall be transmitted to the state examiner within five days after the receipt of the request or requisition therefor made by him, and in such condensed form as may be required by the state examiner. It must be published once in a newspaper of general circulation in the place where such bank is located, or, if there be no newspaper of general circulation published in such place, then in one published nearest thereto within the county and at the expense of the bank, and such proof of the publication of such statement shall be furnished as may be required by the state examiner. The state examiner shall also have power to call for special reports from any branch bank, whenever, in his judgment, the same are necessary in order to have a full and complete knowledge of its conditions.

To contain.

Publication.

Special reports.

Section VI.

In addition to the reports required by the preceding section, every such branch bank of any foreign corporation or joint stock company shall report to the state examiner, within ten days after declaring any dividend, the amount of such dividend and the amount of net earning in excess of such dividend. It shall also make a semi-annual report on the 30th day of June and the 31st day of December of each year in such form as shall be prescribed by the state examiner, showing the amount of the earnings of such branch bank and the amount of the dividends, if any,

Report of dividend declared and net earning.

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for the preceding six months. Such report shall be attested by the oath of the resident manager or cashier of such branch bank.

Section VII.

Certified checks.

It shall be unlawful for any officer, clerk or agent of any branch bank to certify any check drawn upon the same, unless the person or company drawing the check has on deposit with such branch bank, at the time such check is certified, an amount of money equal to the amount certified in such check. If any such officer, clerk or agent shall resort to any device or receive any fictitious obligation, direct or collateral, in order to evade the provisions hereof, or if he shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of such branch bank, every such act shall be deemed a violation of this Section, and be subject to the penalty hereinafter prescribed.

Any check so certified by duly authorized officers shall, however, be a good and valid obligation against such branch bank.

Section VIII.

Failure to make statements.

Penalty.

If any such bank neglects to make out or transmit the statements and proof of publication thereof, required by this Act, it shall be subject to a penalty of twenty dollars for each day in default after the periods respectively required by this Act that it may delay to make and transmit such statement. And, should any such bank delay for the period of one month beyond the period when the same is required to be made to make out and transmit the statements required to be made by this Act, or wilfully violate any provisions of this Act, then it shall be the duty of the state auditor to cancel any outstanding certificates issued by him.

Cancellation of certificates by State Auditor.

Section IX.

Liabilities limited.

The total liabilities of any such branch bank of any person or of any company, corporation or firm

for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth of the amount of the capital actually paid in and in use in such branch bank. But the discount of bills of exchange drawn in good faith against existing values, and the discount of business or commercial paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Section X.

No part of capital, surplus or deposits to be withdrawn for use of other banks.

Neither any portion of the capital required by this Act, nor of the surplus or deposits of such branch bank, shall be withdrawn therefrom by said foreign corporation or joint stock company and kept or used in any other branch bank or such corporation or joint stock company, except so far as shall be necessary and proper in the ordinary course of the banking business of the local branch bank.

Section XI.

Examination of affairs.

The state examiner, as often as he shall deem it proper and necessary, and at least once in each year, shall, in person or by suitable assistant or assistants, make an examination of the affairs of such branch

Power of State Examiner.

bank, and shall have power to make a thorough investigation into all the affairs of such branch bank, and, in doing so, examine any of the officers, agents or employees thereof on oath, and shall make a full and detailed report of the condition of such branch bank to be kept in the files of his office. And for the purpose of contributing to the expense and maintenance of the state examiner's office, every such branch

Fee for "State Examiner's Fund."

bank shall pay into the state treasury, for the "State Examiner's Fund," on or before the first day of November of each year, a fee according to the capitalization of such branch bank, at the following rate: For a capital stock of from twenty-five to fifty thousand dollars, inclusive, a fee of fifty ($50.00) dollars; for a capital stock of over fifty thousand dollars and up

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to seventy-five thousand dollars, inclusive, a fee of seventy-five ($75.00) dollars; for a capital stock over seventy-five thousand dollars, up to one hundred thousand dollars or more, a fee of one hundred ($100.00) dollars.

Section XII.

Impaired capital, State Auditor to cancel certificate.

Whenever it shall appear, from any examination authorized by this Act, that the capital of such branch bank has become impaired, or that any portion thereof has been withdrawn from said branch bank by such foreign corporation or joint stock company, then it shall be the duty of the state auditor to cancel any outstanding certificate issued by him.

Section XIII.

Misstatement of amount of capital prohibited.

No such branch bank of any foreign corporation or joint stock company, doing a banking business in this state, shall make use of or circulate any letter heads, bill heads, blank notes, blank receipts, blank check books, certificates or circulars wherein a greater amount of capital is claimed than the actual capital of such branch bank, nor shall it otherwise, in any manner, advertise or set forth any such claim.

Section XIV.

Assets of bank not liable for redemption of circulating notes or bills.

No portion of the capital, surplus, deposits or other assets of a branch bank of any foreign corporation or joint stock company, doing a banking business within this state, shall be liable for the redemption of any circulating notes or bills of such foreign corporation or joint stock company, nor for any other liabilities thereof, whatsoever, except for those arising out of the business of such branch bank.

Section XV.

False statements, entries or reports.

Every officer, or other person mentioned and authorized by this Act, who knowingly makes any false statement of facts, statement or report, and every officer, agent or clerk of any such branch bank who wilfully and knowingly makes any false entries in the books of such branch bank, or knowingly sub-

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scribes or exhibits false papers with the intent to deceive any person authorized to examine as to the condition of such branch bank, and every person authorized by the provisions of this Act, to make statements or reports, who wilfully and knowingly subscribes or makes any false statement or report, shall be deemed guilty of felony, and, upon conviction, subject to imprisonment at hard labor in the State Prison for a term of not less than one year, nor more than ten years, for each offense.

Felony.

Penalty.

Section XVI.

Additional penalties.

In addition to the penalties and punishments recited in the previous Sections of this Act, every foreign corporation or joint stock company, and every officer, agent or employee thereof, violating any of the provisions of this Act, shall, in addition to the penalties and punishments heretofore provided in this Act, forfeit and pay to the State of Montana the sum of one thousand ($1000.00) dollars for each violation. Such forfeiture may be recovered in an action by the Attorney general, in the name of the State of Montana, brought in the District Court of the county where the branch bank shall be located.

Action to recover.

Section XVII.

Act of March 7, 1905, repealed.

An Act of the Ninth Legislative Assembly, entitled: "An Act regulating foreign corporations and joint stock companies doing a banking business within the State of Montana, and prescribing penalties and punishments for violations of the provisions thereof," approved March 7, 1905, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; but no examiner's fee due, no penalty accrued, and no offense committed before this Act takes effect shall be, in any wise, affected by such repeal.

Repealing clause.

Proviso.

Section XVIII.

When Act takes effect.

This Act shall be in full force and effect from and after its final passage.

Approved March 7, 1907.

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CHAPTER 138.

An Act to Regulate the Practice of Optometry.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Practice of Optometry, defined.

The practice of Optometry is defined as follows: namely: The employment of subjective and objective mechanical means, without the use of drugs, to determine the accommodative and refractive states of the eye, and the scope of the functions in general.

Section 2.

Certificate to practice.

From and after the first day of April, 1907, it shall be unlawful for any person to practice Optometry in the State of Montana, unless he shall first have obtained a certificate of registration and filed the same, or a certified copy thereof, with the clerk of the District Court of the County of his residence, all as hereinafter provided.

Section 3.

"Montana State Board of Examiners in Optometry."

There is hereby created a Board, whose duty it shall be to carry out the purposes and enforce the provisions of this Act, and shall be styled the "Montana State Board of Examiners In Optometry." Said Board shall be appointed by the Governor as soon as practicable after the passage of this Act, and shall consist of five resident opticians engaged in the actual practice of Optometry. Each member of said Board shall hold office for a term of three years, and until his successor is appointed. Appointments to fill vacancies caused by death, resignation or removal shall be made, for the residue of such term, by the Governor. The members of said board, before entering upon their duties, shall respectively take and subscribe to the oath required to be taken by other State officers, which shall be administered by the Secretary of State, and filed in his office; and said board shall have a common seal.

Appointment.

Term of office.

Vacancies.

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Section 4.

Organization.

Said board shall choose at its first regular meeting, and annually thereafter, one of its members, president, and one, secretary, thereof, who, severally, shall have the power, during their term of office, to administer oaths and take affidavits, certifying thereto under their hand and the seal of the board. Said board shall meet at least once in each year, at the State Capitol, and, in addition thereto, whenever and wherever the president and secretary thereof shall call a meeting. A majority of said board shall at all times constitute a quorum. The secretary of said board shall keep a full record of the proceedings of said board, which records shall at all reasonable times be open to public inspection.

Meetings.

Section 5.

Examination for certificate.

Every person, before beginning to practice Optometry in this State, after the passage of this Act, shall pass an examination before said Board of Examiners. Such examination shall be confined to such knowledge as is essential to the practice of Optometry. Any person, having signified to said board his desire to be examined by them, shall appear before them at such time and place as they designate, and, before beginning such examination, shall pay to the secretary of said board, for the use of said board, the sum of ten ($10.00) dollars, and, if he shall successfully pass such examination, shall pay to said secretary, for the use of said board, a further sum of five ($5.00) dollars on the issuance to him of a certificate. All persons successfully passing such examination shall be registered in the Board Register, which shall be kept by said Secretary, as licensed to practice Optometry, and shall also receive a certificate of such registration, to be signed by the president and secretary of said board, which shall be filed as hereinbefore provided.

Fee for examination.

Fee for certificate.

Registration.

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Section 6.

Certificate to issue to person already engaged in practice.

Every person, who is engaged in the practice of Optometry in the State of Montana at the time of the passage of this Act, shall, within three months thereafter, file an affidavit in proof thereof with said Board, who shall make and keep record of such persons, and shall, in the consideration of the sum of five ($5.00) dollars, issue to him a certificate of registration.

Section 7.

Exemption.

All persons entitled to a certificate of registration under the full provisions of Section 6 shall be exempt from the provisions of Section 5 of this Act.

Section 8.

Registration of certificate in county.

Recipients of said certificate of registration shall present the same for record to the clerk of the district court of the county in which they reside, and shall pay a fee of fifty cents to the clerk for recording the same. Said clerk shall record said certificate in a book to be provided by him for that purpose. Any person so licensed, removing his residence from one county to another in this state, shall, before engaging in the practice of Optometry in such other county, obtain from the clerk of the district court of the county in which said certificate of registration is recorded a certified copy of such record, or else obtain a new certificate of registration from the Board of Examiners, and shall, before commencing practice in such county, file the same for record with the clerk of the court of the county to which he removes, and pay the clerk thereof, for recording the same, a fee of fifty cents. Any failure, neglect or refusal on the part of any person holding such certificate or copy of record to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same. Such board shall be entitled to a fee of one dollar for the re-issue of any certificate, and the clerk of the district court of any county shall

Removal from one county to another.

Forfeiture for failure to record.

Fee for re-issue.

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Fee for certified copy.

be entitled to a fee of one dollar for making and certifying the copy of the record of any such certificate.

Section 9.

Failure to apply for certificate, a waiver.

Any person entitled to a certificate, as provided for in Section 6 of this Act, who shall not, within six months after the passage thereof, make written application to the Board of Examiners for a certificate of registration, accompanied by a written statement, signed by him, and duly verified before an officer authorized to administer oaths within this State, fully setting forth the grounds upon which he claims such certificate, shall be deemed to have waived his right to a certificate under the provisions, or refusal of any person holding such certificate under the provisions of said section. Any failure, neglect or refusal on the part of any person holding such certificate to file the same for record, as hereinbefore provided, for six months after the issuance thereof, shall forfeit the same.

Failure to record certificate, forfeits.

Section 10.

Certificate to be displayed in office of practitioner.

Every person to whom a certificate of examination or registration is granted shall display the same in a conspicuous part of his office, wherein the practice of Optometry is conducted.

Section 11.

Compensation for members of board.

Out of the funds coming into the possession of said board, each member thereof, may receive, as compensation, the sum of five ($5.00) dollars for each day actually engaged in the duties of his office, and mileage at three cents per mile for all distances necessarily traveled in going to and coming from the meetings of said board. Said expenses shall be paid from the fees and assessments received by the board under the provisions of this Act, and no part of the salary or other expenses of the board shall ever be paid out of the State treasury. All moneys received in excess of said per diem allowance and mileage, as above provided for, shall be held by the secretary, as a special

How paid.

Special fund.

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fund for meeting expenses of said board, and carrying out the provisions of this Act, and he shall give such bonds as the board shall, from time to time, direct, and the said board shall make an annual report of its proceedings to the Governor on the first Monday in January of each year, which report shall contain an account of all moneys received and disbursed by them pursuant to this Act.

Secretary's bond.

Annual report.

Section 12.

Said board shall have the power to revoke any certificate of registration, granted by it under this Act, for conviction of crime, habitual drunkenness for six months immediately before a charge to me [be?] made, gross incompetence, or contagious or infectious disease, or who publicly professes to cure disease; Provided, that before any certificate shall be revoked, the holder thereof shall have notice in writing of the charge or charges against him, and, at a day specified in said notice, at least five days after the service thereof, be given a public hearing, and have opportunity to produce testimony in his behalf, and to confront the witnesses against him. Any person, whose certificate has been revoked, may, after the expiration of ninety days, apply to have the same re-granted, and the same shall be re-granted him upon a satisfactory showing that the disqualification has ceased.

Revocation of certificates.

Proviso.

Section 13.

Any person who shall violate any of the provisions of this Act shall be decreed guilty of a misdemeanor, and, upon conviction, may be fined not less than twenty ($20.00) dollars, nor more than one hundred ($100.00) dollars, or be confined not less than one month, nor more than three months in the county jail. And all fines, thus received, shall be paid into the common school fund of the county in which such conviction takes place.

Violations of Act.

Misdemeanor.

Penalty.

Disposition of fine.

Section 14.

Justices of the Peace and the respective municipal

Jurisdiction of Justice Courts.

courts shall have jurisdiction of violations of this Act. It shall be the duty of the respective county attorneys to prosecute all violations of this Act.

Section 15.

Exceptions.

Nothing in this Act shall be construed to apply to physicians and surgeons authorized to practice under the laws of the State of Montana, nor to persons who sell spectacles or eye glasses without attempting to traffic upon assumed skill in adapting them to the eye.

Section 16.

When Act takes effect.

This Act shall be in full force and take effect from and after its passage and approval by the Governor.

Approved March 7, 1907.

CHAPTER 139.

An Act fixing the compensation and expenses of the State Game and Fish Warden, special Deputy Game and Fish Warden, and salary of clerk in State Game and Fish Warden's office.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

State Game and Fish Warden. Salary.

The compensation of the State Game and Fish Warden shall hereafter be at the rate of twenty-four hundred ($2400.00) dollars per annum, payable in monthly installments at the end of each month. He shall be

Actual expenses paid.

paid for all actual and necessary expenses attached to his office, but such expenses shall not exceed two thousand ($2000.00) dollars per annum.

Section II.

Deputies.

Salary.

The compensation of all special deputy game and fish wardens shall hereafter be at the rate of fifteen hundred ($1500.00) dollars per annum, payable in monthly installments at the end of each month. Each

Expenses.

special deputy game and fish warden shall be allowed three hundred ($300.00) dollars per annum, or as much

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thereof as may be necessary for his actual and necessary traveling expenses in his own district, when actually engaged in discharging the duties of his office, to be paid out of the game and fish fund upon vouchers duly audited by the State Board of Examiners.

Section III.

The compensation of the clerk in the office of the State Game and Fish Warden shall hereafter be at the rate of twelve hundred ($1200.00) dollars per annum, payable in monthly installments at the end of each month. Clerk. Salary.

Section IV.

All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section V.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

CHAPTER 140.

An Act to amend Section 310, Division I, Part III, Title II, Chapter II, Civil Code of the State of Montana, concerning the adoption of minor children.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 310, Division I, Part III, Title II, Chapter II, of the Civil Code of the State of Montana be and the same is hereby amended to read as follows: Civil Code, Section 310 amended.

Section 310. Any minor child may be adopted by any adult person who is a citizen, or who under the laws of the United States may become a citizen of the United States, and is of the same race as the child to be adopted, in the cases and subject to the rules prescribed in this chapter. Adoption of minor child, by whom.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 141.

"An Act to amend Sections 443 and 449 of the Political Code of Montana, and to provide further regulations for the safe keeping and management of public funds in the hands of the State Treasurer, and to increase his official bond and provide for the payment of the premium thereon."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code, Section 443 amended.

That Section 443 of the Political Code of Montana be, and the same is hereby amended so as to read as follows.

Depositories for State funds, to be designated by State Treasurer.

Section 443. The State Treasurer shall designate as depositories, as many banks within the state as in his judgment are necessary for the safe keeping of the public moneys in his hands as hereinafter directed; provided that all banks by him designated as depositories shall undertake and agree, as a condition precedent to the depositing of any funds with them for safe keeping, that interest shall be paid upon the daily balances of all such deposits at the rate of two and a half per cent per annum, and all deposits shall be adequately and properly secured to the Treasurer as herein specified. No deposits shall be made of state funds by the State Treasurer until he shall first have received as security therefor, in amount at least equivalent to the amount of such deposit, bonds of the United

Interest on daily balances of deposits.

Security for deposits.

Approved securities.

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States, or of the State of Montana, or county, school district, or municipal bonds issued in this state, or such other good and sufficient security as shall have been first approved by the State Board of Examiners. All such deposits shall be subject to withdrawal by the said treasurer in such amounts as may be necessary, from time to time, to pay and discharge the legal obligations of the state duly presented to him in accordance with the law. No deposit of said funds shall be made or permitted to remain in any bank unless the treasurer shall have first designated such bank as a depository, nor until the security for the deposit shall first have been deposited with the treasurer and have been approved by the State Board of Examiners. In designating the depositories for state funds, the State Treasurer shall, as near as may be found practicable, make designation of depositories in the respective counties of the state, and cause to be deposited in them public funds proportionate to the amount of public revenue received from such counties by the state. All interest paid and collected on deposits shall be, by the treasurer, credited and belong to the particular fund to which belong the moneys deposited and on which interest is paid. The treasurer shall have the power to direct the withdrawal of all such moneys from any bank for any reason. Nothing herein contained shall be construed as limiting or impairing the right of the State Board of Land Commissioners to invest public moneys in bonds or other securities as otherwise provided for by law.

Deposits subject to withdrawal.

Division of deposits between counties.

Disposition of interest.

Withdrawals.

Right to invest in bonds not impaired.

Section 2.

That Section 449 of the Political Code be, and the same is hereby amended so as to read as follows:

Politcal Code, Section 449 amended.

Section 449. The State Treasurer must execute an official bond in the sum of five hundred thousand dollars, and may furnish as surety on said bond any surety company or companies which have complied with the laws of this state authorizing surety com-

Bond of State Treasurer.

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panies to do business herein, and in the event that he does furnish such surety on said bond both the premium therefor shall be a proper charge against the state and paid as other expenses of his office.

Section 3.

Quarterly report by depositories.

The President and Cashier of every bank in which state funds are deposited shall, quarterly, make a full and complete verified statement of account showing

Contents.

the amount of money which has been on deposit with the bank which they represent during the quarter, and the amount of interest they have credited, allowed or paid to the State Treasurer on account of such deposit, and further, such affidavit shall contain a statement that no interest, consideration or emolument other than that prescribed by law has been, by such depository or any of its officers, paid into the State Treasurer or to any other person as an inducement for the deposit or for continuing the same with such depository.

Section 4.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5.

When Act takes effect.

This Act shall take effect and be in full force from and after July 15th, 1907.

Approved March 7, 1907.

CHAPTER 142.

An Act entitled "An Act permitting residents of Montana to fish without a license; regulating the fishing license for non residents; permitting forestry officers to secure a resident's hunting license; providing for the State Auditor to furnish license blanks, and providing additional duties for the State Game and Fish Warden and special Deputy Game and Fish Wardens."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Resident fishing license abolished.

From and after the passage of this Act it shall not be required of any bona fide resident of the State of Montana, under and within the provisions of Section 7. Substitute for House Bill No. 120, Session Laws, 1905, to procure a fishing license, but said resident of this State may take fish from any of the streams or waters in this state without first procuring a license.

Section II.

Non-resident's fishing license created.

There is hereby created a non-resident's fishing license. Every person who is not a bona fide resident of the State of Montana under and within the meaning of Section 7, Substitute for House Bill No 120, Session Laws 1905, who desires to fish in this State must first obtain a license therefor from the State Game and Fish Warden or Deputy State Game and Fish Warden or Justice of the Peace. Said license shall contain the same description and be printed in the same form as the limited non-residents license and shall grant the holder permission to fish only and shall cost the sum of one dollar and shall expire on December 31st, of the year issued; the same conditions that govern the issuance of other non-resident licenses shall apply in this case. The State Game and Fish Warden shall furnish all Justices of the Peace with these license blanks and the Justices are hereby allowed the same commission for issuing these licenses as for resident licenses.

Fee.

Section III.

Hunting and fishing license blanks.

From and after the passage of this Act all blank hunting and fishing licenses or license blanks shall be delivered by the State printer to the State Auditor. The State Auditor shall turn over to the State Game and Fish Warden, upon his demand, such blank hunting and fishing licenses as are required and shall take a receipt from said State Game and Fish Warden for

State Game Warden to receipt for same.

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all such licenses delivered to him. The State Auditor shall also sign such license blanks with the State Game and Fish Warden and the same shall be countersigned by the party issuing the licenses. The State Auditor shall charge the State Game and Fish Warden with all licenses delivered to him and shall credit said State Game and Fish Warden with all spoiled and unused licenses returned by him at the end of each calender [calendar?] year and he shall issue to the State Game and Fish Warden a receipt therefor. The State Game and Fish Warden is hereby held responsible for any and all licenses delivered to him by the State Auditor.

By whom signed.

State Auditor charge State Game Warden with all licenses delivered to him.

Section IV.

Forestry officers considered residents.

All forestry officers in the employ of the forestry service of the United States shall be considered bona fide residents of the State of Montana, under and within the meaning of Section 7, Substitute for House Bill No. 120, Session Laws 1905, and shall be entitled to a residents license.

Section V.

Deputy Wardens to make weekly reports.

All Special Deputy State Game and Fish Wardens shall make out each day a report of all matters attended to and business transacted on said day and at the end of each week shall forward such report to the State Game and Fish Warden.

Section VI.

Resident hunting license.

Every person who is a bona fide resident of the State of Montana, under and within the provisions of Section 7, Substitute for House Bill No. 120, Session Laws 1905, who desires to hunt, take, kill or catch any of the game animals or game birds of this State must first obtain a license therefor.

Section VII.

Written application for resident hunting license, how made.

Any bona fide resident of this state who desires to secure a resident hunting license without appearing personally before a party issuing the same as provided by law, may secure the same by making a written application to any person within his own county issuing

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such licenses, and by filling out the proper blank mailed to him by the party issuing such licenses and accompanying the same with the price of said license.

Any person issuing a resident hunting license shall, upon a written request from any resident of the County in which he is issuing such licenses, mail to such applicant an application blank which is furnished by the State Game and Fish Warden, and upon the receipt of such blank properly filled out and accompanied by the cost of said license, mail to the applicant a resident's hunting license. If the party issuing such license is acquainted with the applicant personally, then he may issue such license upon the receipt of the application blank properly filled out and signed by the applicant only, but should such party not be personally acquainted with the applicant, then he shall demand that two taxpayers of his county sign such application blank, certifying that the applicant is a bona fide resident of the State of Montana and of his county under and within the provisions of Substitute for House Bill No. 120, Session Laws of 1905. The party issuing the license shall forward such application blank to the State Game and Fish Warden attached to the duplicate license the original of which has been sent to the applicant, at a time and in the same manner as other duplicate licenses are sent to the State Game and Fish Warden. A license cannot be issued by application to a person living in another county.

Application blanks, what to contain.

The State Game and Fish Warden is hereby directed to furnish all persons issuing resident hunting licenses with these application blanks at the same time that licenses are sent out each year. Such blanks shall contain the same description as required on the hunting license and be in the proper form for the applicant to certify that he is a bona fide resident of the State of Montana, under and within the meaning of Section 7 of the Substitute for House Bill No. 120, Session Laws 1905, and a resident of the county in which

he is applying for such license; said application blank shall also provide for the certification of the same by two resident taxpayers of the county whenever such is necessary. Any person who shall falsely certify to any hunting license or application for the same is guilty of a misdemeanor and is punishable as such.

Falsely certifying Misdemeanor.

Section VIII.

Compensation for issuing license.

All persons issuing hunting and fishing licenses shall be entitled to receive as their compensation 10% of the amount of their sales and said commission shall include all costs of postage and other expenses attendant to the discharge of this duty.

Section IX.

Creation of four additional districts and appointment of four additional deputies authorized.

The State Game and Fish Warden is hereby authorized and empowered to create four additional game and fish districts and to appoint and employ four additional Special Deputy Game and Fish Wardens whose duties and compensation shall be the same as is already provided for in House Bill No. 147, Session Laws 1901; such appointments may be made by the State Game and Fish Warden at any time as in his judgment the needs of the State may require.

Section X.

Deputies not to engage in other business.

No Special Deputy State Game and Fish Warden while holding such appointment or serving in such capacity shall engage actively in any other business, trade or profession, or perform any other duties other than those required for the proper fulfillment of his office.

Section XI.

Repealing clause.

All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

Section XII.

When Act takes effect.

This Act shall be in force and effect from and after its passage and approval.

Approved March 7, 1907.

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CHAPTER 143.

An Act, entitled: "An Act to amend Section 472 of the Civil Code of Montana, relating to corporations, and to repeal Section 574 of the Civil Code of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Section 472 of the Civil Code of Montana, be, and the same is hereby amended so as to read, as follows:

Civil Code, Section 472 amended.

Section 472: That the delivery of a stock certificate of a corporation to a bona fide purchaser or pledgee for value, together with a written transfer of the same, or a written power of attorney to sell, assign and transfer the same, signed by the owner of the certificate, shall be a sufficient delivery to transfer the title as against the creditors of the transferor and subsequent purchasers; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact, until such transfer is recorded upon the books of the corporation, or a new certificate is issued to the person to whom it has been so transferred.

Stock certificate delivered to purchaser, with signed transfer, is a transfer of title.

Must be recorded on books of company to affect payment of dividend.

Section II.

Section 574 of the Civil Code of the State of Montana is hereby repealed.

Civil Code, Section 574 repealed.

Section III.

All other Acts and parts of Acts in conflict with any of the provisions hereof are hereby repealed.

Repealing clause.

Section IV.

This Act shall take effect and be in force from and after its passage and approval.

When Act takes effect.

Approved March 7, 1907.

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CHAPTER 144.

"An Act to amend Chapter VI, Title XIII, of the Penal Code of the State of Montana, relating to extortion by adding thereto, a Section to be designated Section 924, so as to prevent the denial of indebtedness for labor, or wilful refusal to pay such indebtedness, with intent to secure a discount from the laborer."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Penal Code, Section 924.

That Chapter VI, of Title XIII, of the Penal Code of the State of Montana, relating to extortion, be and the same is hereby amended by adding thereto, a section to be designated as Section 924, and which is as follows:—

Refuse to pay wages to obtain discount.

Section 924. Every person, company or corporation, indebted to another person for labor, or any agent of any person, co-partnership, or corporation so indebted, who shall, with intent to secure from such other person a discount upon the payment of such indebtedness, wilfully refuse to pay the same, or falsely deny the same, or the amount or validity thereof, or that the same is due, is guilty of a misdemeanor; provided; however, that nothing herein contained shall prohibit any employer from fixing regular pay days for the payment of wages or salary earned in the calendar month immediately preceding such pay days, except in cases where the employee is discharged.

Misdemeanor.

Proviso.

Section II.

When Act takes effect.

This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

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CHAPTER 145.

"An Act regulating the sale of merchandise in bulk and making provisions for the protection of the creditors of the vendor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Sale of merchandise in bulk.

It shall be the duty of every person who shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, before paying to the vendor, or his agent or representative, or delivering to the vendor, or his agent, any part of the purchase price thereof, or any promissory note, or other evidence therefor, to demand of and receive from such vendor, or agent, or if the vendor or agent be a corporation, then from the President, Vice-President, Secretary or Managing Agent of such corporation, a written statement, sworn to substantially as hereinafter provided, of the names and addresses of all the creditors of said vendor, to whom said vendor may be indebted, together with the amount of the indebtedness due or owing, and to become due or owing, by said vendor to each of such creditors; and it shall be the duty of said vendor, or agent, to furnish said statement, which shall be verified by an oath to the following effect:—

Vendor to give list of creditors.

State of Montana, }
} ss.
County of..... }

Form.

Before me personally appeared..... (vendor, or agent, as the case may be), who being by me first duly sworn upon his oath doth depose and say that the foregoing statement contains the names of all the creditors of (the name of the vendor) together with their addresses, and that the amount set opposite each of said respective names is the amount now due and owing, and which shall become due and

owing by (vendor) to such creditors, and that there are no creditors holding claims due, or which shall become due for or on account of goods, wares, or merchandise purchased upon credit or on account of money borrowed to carry on the business of which said goods are a part, other than as set forth in said statement, and in this affidavit, are within the personal knowledge of affiant.

Subscribed and sworn to before me this.....day of.....190....'' (Title of Officer taking oath)

Section 2.

Sale fraudulent and void.

Whenever any person shall bargain for, or purchase any stock of goods, wares or merchandise in bulk, for cash, or on credit, and shall pay any part of the purchase price, or execute or deliver to the vendor thereof, or to his order, or to any person for his use, any promissory note, or other evidence of indebtedness for said purchase price, or any part thereof, without first having demanded and received from said vendor, or from his agent, the statement provided for in Section 1 of this act and verified as there provided, and without paying, or seeing to it that the purchase money of the said property, is applied to the payment of the bona fide claim of the creditors of the vendor as shown upon such verified statement, share and share alike, such sale, or transfer shall be fraudulent and void.

Section 3.

False statement.

Any vendor of any stock of goods, wares or merchandise in bulk, or any person who is acting for, or on behalf of any vendor, who shall knowingly or wilfully make or deliver, or cause to be made or delivered, a statement as provided for in Section 1 of this Act which shall not include the names of all the creditors of such vendor with the correct amount due, and to become due to each of them or which shall contain any false or untrue statement, shall be deemed

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guilty of perjury, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than five years, or shall be fined in any sum not exceeding one thousand dollars. Perjury. Penalty.

Section 4.

A sale and transfer in bulk in contemplation of this Act, shall be deemed to be any sale or transfer of an entire stock of goods, wares or merchandise out of the usual or ordinary course of business or trade of the vendor, or attempted to be sold or conveyed; provided, however, that if such vendor produces and delivers a written waiver of the provisions of this Act from his creditors as shown by such verified statements, then in that case, the provisions of this Act shall not apply.' Construction of Act. Waiver.

Section 5.

Nothing in this act contained shall apply to executors, administrators, receivers, or any public officer acting under judicial process. Persons excepted.

Section 6.

This Act shall take effect and be in force from and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

CHAPTER 146.

"An Act to authorize and direct the Executive Board of the Montana Agricultural College to establish a Sub-Station for the purpose of carrying on experiments in Horticulture and to appropriate money therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The Executive Board of the Montana Agricultural College is hereby authorized and directed to estab- Establishment of Sub-station for experiments in horticulture authorized.

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lish a sub-station for the purpose of carrying on experimental work in horticulture, said station to be located at such point in the State of Montana as said Board may select; Provided, however, that the citizens or county wherein said sub-station is located shall donate to the State and give in fee simple not less than fifteen acres of suitable land including a perpetual water right for the same.

Proviso.

Section 2.

There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the following sums:

Appropriation.

For establishing a sub-station for experimental work in horticulture the sum of One Thousand Dollars ($1,000.00).

Appropriation.

For maintaining said sub-station for the year 1907 the sum of Five Hundred Dollars ($500.00).

Appropriation.

For maintaining said station for the year 1908 the sum of Five Hundred Dollars ($500.00).

Section 3.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4.

When Act takes effect.

This Act shall be in full force from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 147.

An Act, entitled: "An Act to create the office of State Fire Warden, providing for the appointment of deputies, and relating to their duties and the payment of the expenses incurred."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

State Fire Warden.

That there is hereby created the office of State Fire

Warden and the State Game and Fish Warden is hereby made ex-officio State Fire Warden to serve as such State Fire Warden without additional salary.

Section II.

That all of the Deputy State Game and Fish Wardens shall be Deputy Fire Wardens to serve without extra salary and that said State Fire Warden and said Deputies shall, under such rules and regulations as the State Board of Land Commissioners shall provide, protect the timber of the State, and especially the timber owned by the State, from destruction by fire, and for such purpose in emergencies may employ men and incur other expenses when necessary and such Fire Warden and deputies shall have power and authority to make arrests of any person or persons who may violate any of the laws of this State relating to prairie or forest fires.

Deputy Fire Wardens.

Duties.

Section III.

That the actual expenses and expenditures of said Fire Warden and Deputies necessarily incurred under this Act shall be paid in the same manner as other expenses incurred in managing the State lands and the State Auditor is hereby authorized to draw his warrants for such expenses and expenditures and the State Treasurer is hereby directed to pay the same.

Expenses and expenditures, how paid.

Section IV.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When Act takes effect.

Approved March 7, 1907.

CHAPTER 148.

"An Act to amend Section 1900, and Section 1904 as amended by the Laws of 1897, Article 12, Chapter 6, Title 3, Part 3, of the Political Code of the State of Montana, relating to County Teachers' Institutes and to the means of raising funds to defray the expenses of such institutes."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code, amended Section 1900, amended.

That said Section 1900 be and the same is hereby amended so as to read as follows:

Teachers' Institutes, to be held yearly.

"Section 1900. The county superintendent in every county in which there are five or more school districts must hold one teachers' institute in each year, and every teacher employed in a public school in the county must attend the institute and participate in its proceedings; provided, that whenever the State Superintendent and two or more county superintendents deem it advisable, a joint institute consisting of the teachers of two or more counties, may be held at any convenient place within such counties to be selected and agreed upon by their superintendents."

Proviso.

Section 2.

Political Code, amended Section 1904, amended.

That Section 1904 as amended by the Laws of 1897 be and the same is hereby amended so as to read as follows:

Fund for defraying expenses created.

"Section 1904. For the purpose of defraying the expenses of the institute mentioned in said Section 1904, there shall be an institute fund created as follows:

Fees from teachers' certificates.

First: All moneys received from the issuance of teachers' certificates by the county superintendent.

Appropriations by county commissioners.

Second. Moneys received from appropriations by boards of county commissioners; and every board of county commissioners in each county in which a teachers' institute may be held is hereby authorized and directed to appropriate for said "institute fund" as follows:

Counties of the first class not less than $250 nor more than $350. Counties of the second class not less than $250 nor more than $300. Counties of the third, fourth, fifth and sixth classes not less than $200 nor more than $250. Counties of the seventh and eighth classes not less than $100 nor more than $200."

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Section 3.

All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 4.

This Act shall take effect and be in force from and after its passage and approval by the Governor. When Act takes effect.

Approved March 7, 1907.

CHAPTER 149.

"An Act to amend Sections 494, 495, 496, 497, 498, and 499 of the Political Code of Montana as amended by Chapter C, Acts of 1903, relating to the State Examiner's office and fund."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Sections 494, 495, 496, 497, 498, and 499 of the Political Code of Montana as amended by Chapter C, Acts of 1903, be and the same are hereby amended to read as follows: Political Code, amended Sections 494, 495, 496, 497, 498, 499 amended.

Section 494. If any county clerk or county treasurer shall fail to make and transmit to the State Examiner's office any copy of any quarterly report required by the State Examiner, within ten days after the end of a quarter, or any annual financial statement of the county within twenty days after end of fiscal year, then said officer so required to furnish such report or copy shall forfeit to the county one hundred dollars to be deducted from his salary by the Board of County Commissioners of such county on notice of such failure from the State Examiner. Failure to make quarterly or annual reports to State Examiner's office by any County Clerk or County Treasurer. Penalty.

If any officer refuses or neglects to comply with a regulation prescribed by the State Examiner as authorized in paragraph 2 of Section 491 of the Political Code of Montana as amended by Chapter C, Acts of 1903, the salary of such officer shall, on re-

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quest of the State Examiner, to the proper official, be withheld until such recreant official obeys, and the State Examiner certifies approval to the disbursing officer.

Salary of State Examiner.

Section 495. The salary of the State Examiner for all services rendered in any capacity whatever shall be twenty-five hundred dollars ($2500.00) per year, and in addition thereto the state shall pay the necessary office and traveling expenses of himself and assistants, not exceeding two thousand five hundred dollars per annum.

Office and traveling expenses.

First assistant, salary.

Second assistant, salary.

Deputy, salary.

Proviso.

Section 496. The State Examiner shall be allowed one first assistant at a salary of two thousand one hundred dollars per year; and one second assistant at a salary of fifteen hundred dollars per year; and one deputy at a salary of twelve hundred dollars per year; provided, that if at this session there is enacted a law placing private banks under the supervision of the State Examiner there shall be allowed an additional assistant and expense money as may be included in the general appropriation bill.

"State Examiner Fund" created.

Section 497. That for the purpose of the just distribution of the expenses incurred in pursuance of this title, there is created a fund designated "State Examiner Fund." For the credit of said fund each county of the state shall pay to the State Treasurer on or before the first day of July of each year, according to its classification as follows:

Counties of the first class.....	$750.00 each.
Counties of the second class...	350.00 each.
Counties of the third class.....	250.00 each.
Counties of the fourth class....	200.00 each.
Counties of the fifth class.....	150.00 each.
Counties of the sixth class.....	125.00 each.
Counties of the seventh and eighth class.....	100.00 each.

Any counties hereafter created are to be deemed counties of the seventh class until an assessment of

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such county has been made and the class thereof determined, and for the maintenance of this fund for the years 1907 and 1908, if there is no subsequent legislation hereon, each county shall pay on its present classification and thereafter on the classification as made by law.

Fees of banks, corporations and companies.

Each bank, banking corporation, savings bank, investment and loan company subject to supervision of the State Examiner under the laws of this state shall pay to the State Treasurer for the State Examiner's Fund, on or before the first day of November of each year a fee according to its capitalization at the following rates:—

Capital Stock up to $25,000 inclusive, $50.00; Capital Stock over $25,000 and less than $50,000, fee $75.00; Capital Stock from $50,000 to $75,000 inclusive, fee $100.00; Capital Stock over $75,000 and to $100,000 inclusive, fee $150.00; Capital Stock over $100,000 and to $200,000 inclusive, fee $200.00; Capital Stock over $200,000 and less than $300,000, fee $250.00; Capital Stock $300,000 and over, fee $300.00.

Fees of building and loan association.

Each building and loan association subject to examination by the State Examiner shall pay the State Treasurer on or before the first day of November of each year a fee of one-twentieth of one per cent. of its assets as shown by its last annual statement provided that no examination fee shall be less than twenty nor more than fifty dollars for a domestic association, nor more than two hundred dollars for a foreign corporation.

Failure to pay fee.

Section 498. Any bank, banking corporation, savings bank, building and loan association, investment and loan company liable for a fee under Section 497 of this Act, that shall fail or neglect to pay the State Treasury within ten days after the first day of November each year the sum due as specified in the section next preceding shall forfeit to the state ten dollars ($10.00), for every day it shall so fail or neg-

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lect, to be sued for and recovered in the name of the state by the County Attorney of the county in which the business of such banking association or corporation shall be located, and when so recovered, the amount shall be paid into the treasury of such county for the use of the common schools therein.

Bond of State Examiner and assistants.

Section 499. The State Examiner and his assistants may each be required to give an official bond in such sum as the Board of Examiners may fix; if required, said bond may be a surety company bond in which event the cost of said bond shall be a part of the expenses of the office and paid out of the appropriation for said expenses.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall take effect and be in force from and after its passage.

Approved March 7, 1907.

CHAPTER 150.

"An Act to amend Article VII., of Chapter II., of Title X., of Division III., of Part IV., of the Civil Code of the State of Montana, relating to the use of fictitious names, by adding thereto a new section to be known and numbered section 3285, requiring every individual using a firm or corporate name to file and publish certificates giving the name of such individual."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Civil Code, Section 3285.

That Article VII., of Chapter II., of Title X., of Division III., of Part IV., of the Civil Code of the State of Montana, relating to the use of fictitious

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names, be amended by adding thereto a new section to be known and numbered section 3285, as follows:

Section 3285. Every individual now transacting business, or who may hereafter transact business, in this state under a fictitious name, or a style or designation purporting to be a firm name or corporate name, shall file and publish, or cause to be filed and published, the certificates described in sections 3280, 3281 and 3282 of the Civil Code of the State of Montana. Using a fictitious name in business.

Anyone doing business contrary to the provisions of this Section shall be subject to the disabilities and provisions of section 3281 of this code. Disabilities.

Section 2.

This Act shall take effect and be in full force on and after the first day of June, 1907. When Act takes effect.

Approved March 7, 1907.

CHAPTER 151.

"An Act to amend Section 448 of the Civil Code of the State of Montana as amended by an Act entitled "An Act to amend Section 448 of the Civil Code of the State of Montana relating to the meetings of Stockholders and Board of Directors of corporations," approved February 24th, 1899, relating to the meetings of Stockholders and Board of Directors of corporations."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That Section 448 of the Civil Code of the State of Montana as amended be and the same is hereby amended so as to read as follows: Civil Code, amended Section 448, amended.

Section 448. The meetings of the stockholders of a corporation must be held at its office or principal place of business in the State of Montana, except as hereinafter provided. The meetings of the Board of Directors or Trustees of all corporations heretofore or Meetings of stockholders in corporations. Meeting of Directors or Trustees.

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hereafter organized under any of the laws of the State of Montana may be held either within or without the State of Montana at such place or places as may be designated by the by-laws of such corporations. In case the meetings of the Board of Directors or Trustees of a corporation shall be held outside of the State of Montana, either the original or full and complete copies or duplicate of all proceedings had at such meeting or meetings certified by the President and Secretary under seal shall be sent to and kept at the principal office or place of business of the corporation in Montana, and shall be part of the records in Montana. The meetings of the stockholders, of all corporations organized in conformity with the requirements of the laws of the United States and of the State of Montana for the purpose of furnishing water only to its stockholders, called for the purpose of electing Directors, may be held in the several Director Districts of such corporation, at such place in each Director District as may be designated by the Board of Directors, and no share holder shall be permitted to vote at any such share holders meeting except the meeting held in the Director District as may be fixed by the by-laws of said corporation.

Meeting held outside of State.

Corporation furnishing water only to its stockholders.

Section II.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 7, 1907.

CHAPTER 152.

"An Act to establish a State Live Stock Sanitary Board; to provide for the appointment of special Deputy State Veterinary Surgeons; to define the duties and powers of said State Live Stock Sanitary Board and the duties and powers of the State Veterinary Surgeon and Deputies Veterinary Surgeon with

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the State Live Stock Sanitary Board; to provide for the eradication of disease in domestic animals, their quarantine and sanitary inspection; to amend Section 3016 of the Political Code relating to the stock indemnity fund; and to provide penalties for the violation of this Act; and to provide for the transfer of money from the general fund to the Stock Indemnity Fund."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

State Live Stock Sanitary Board

The President of the Board of Stock Commissioners, the President of the Board of Sheep Commissioners, and the President of the State Board of Health of Montana, shall, ex-officio, constitute a Board to be known as the State Live Stock Sanitary Board. Said Board shall have the powers and perform the duties hereinafter defined and a majority of said Board shall constitute a quorum for the transaction of business.

Organization.

The Board shall organize by electing one of their number chairman and whenever the personnel of said Board changes, by the advent of a new member, the Board shall again organize by electing a Chairman. The State Veterinary Surgeon shall, ex-officio, act as Secretary of said Board, without extra compensation.

Compensation

The members of said board, who are not receiving annual or monthly salaries as officials of the State, or state boards, or of any county, shall receive the sum of Five Dollars per day for each day the board is in session, and all members shall receive their actual and necessary traveling expenses in going to and from meetings of the board. All claims for per diem and expenses must be sworn to and accompanied with vouchers for each item of expense, and audited and allowed by the State Board of Examiners against the fund hereinafter provided for.

Meetings.

Meetings of the Board shall be held upon call of the Chairman, after giving reasonable notice, to the mem-

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bers of the time and place and must not exceed two meetings a year, except in cases of urgent necessity where immediate action of said Board is required to prevent the spread of contagious or infectious diseases.

Section 2.

Special deputies to be appointed by State Veterinary Surgeon.

The State veterinary surgeon may by and with the approval and consent of the State Live Stock Sanitary Board, hereinafter referred to as the Sanitary Board, appoint not more than three permanent special deputies, as occasion may require, hereinafter referred to as deputies, who must be graduates of a regular and reputable veterinary college or veterinary department of a regular and reputable university. Each deputy permanently appointed shall receive a salary of Fifteen Hundred Dollars ($1500.00) per annum, together with actual and necessary traveling expenses. The said deputies may be removed by the State veterinary surgeon and sanitary board at any time without cause. The state veterinary surgeon and the sanitary board, acting jointly are hereby authorized to appoint in various localities of this state, from among veterinarians permanently located therein, deputy veterinary surgeons; and who must have the same qualifications as special deputies, who shall be subject to the orders of the state veterinary surgeon and the Sanitary board, and who, together with the permanently employed deputies and the state veterinary surgeon, shall have equal powers, under the direction of the state veterinary surgeon and sanitary board, in enforcing the provisions of this Act. Such deputies however, shall be paid only for actual services performed when directed so to do by the state veterinary surgeon or sanitary board, and for such services when so directed shall receive the sum of Six Dollars ($6.00) per diem, together with actual traveling expenses.

Qualifications.

Salary.

Local deputies.

Compensation.

Section 3.

Federal inspectors may be appointed deputies.

Subject to the approval of the Chief of the Bureau of Animal Industry of the United States, federal in-

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spectors may also be appointed deputy state veterinary surgeons by the state veterinary surgeon with the approval and consent of the sanitary board. When so appointed they shall act without bond or compensation, and possess all the powers and duties of special state veterinary surgeons, and shall hold such appointments at the pleasure of the state veterinary surgeon and the sanitary board, so long as they remain inspectors of said Bureau and as such are stationed in this State.

Section 4.

The state veterinary surgeon shall have power, and it shall be his duty:

Powers and duties of State Veterinary Surgeon.

1. To act as Chief Executive Sanitary Officer of the sanitary board, and to do all other things necessary or proper to the successful enforcement of this Act.

2. To control and supervise and direct the action of all deputies.

3. To enter on or in and examine any car, yard, stable, steam boat, corral, or other building, or any premises and to examine any live stock therein or thereon, and otherwise to do therein or thereon whatever may be found necessary or proper in the discharge of his official duties.

4. To quarantine any animal or animals suffering from or exposed to any contagious, infectious, enzootic, epizootic, or dangerous disease; to prohibit their moving or transportation without a certificate from him, and to quarantine premises infected or believed to be infected; and to superintend and control the disinfection of any such premises, and to use any curative, protective or immunizing antitoxins or serum, or any diagnostic agents as needed, and to order and accomplish the slaughter of live stock suffering from dangerously contagious or infectious disease, or incurable disease; or live stock exposed to disease, the slaughter or quarantine of which may become neces-

Same.

sary under regulations of the board; and to order and accomplish the disposition of the carcasses of such slaughtered live stock; and to superintend, control and accomplish the burial or other disposition of the carcasses of any animals dying from any of said diseases.

Same.

5. To make complaint against any person or persons violating any law relative to live stock, and procure a warrant whenever conditions permit; and to bring the person or persons before the proper magistrate or officer and notify said sanitary board thereof and of his action.

Section 5.

Powers and duties of the Sanitary Board and State Veterinary Surgeon.

The state veterinary surgeon and the sanitary board shall have power, and it is their duty, in addition to the powers now conferred on them by law:

1. To supervise and control the action of all deputies and inspectors, and to prescribe regulations to govern them.

2. To remove all its appointees, subordinates and servants at any time without cause.

3. To supervise the sanitary conditions of live stock of this state; to determine and employ the most efficient and practical means to prevent, suppress, control and eradicate, dangerous, contagious, infectious, enzootic, epizootic, or any dangerous non contagious disease among live stock within, or live stock coming into or going out of this state, and must recommend to the Governor when necessary the issuance of quarantine proclamations against domestic animals in other states, territories or foreign countries, as occasion demands, and it is hereby made the Governor's duty to issue such quarantine proclamations as may be requested by the state veterinary surgeon and sanitary board against all domestic animals coming into this state from without, or to set aside and specify general quarantine areas within this state on account of animal diseases, when so requested by the sanitary board.

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4. To establish and maintain all and any live stock sanitary regulations that may be deemed expedient; or as may be from time to time necessary to prevent and suppress contagious, infectious or dangerous animal diseases. Provided that all sanitary regulations adopted by the state veterinary surgeon and sanitary board, or to be recommended to the Governor, shall, as far as is possible, be in conformity and harmony with the regulations in that regard of the Secretary of Agriculture of the United States, as the same may exist from time to time; and provided further, that in cases of acutely contagious or rapidly fatal diseases. such as anthrax, rinderpest, foot and mouth disease. hog cholera, swine plague, variola or pox, contagious abortion, ophthalmia. colt distemper, or maligant [malignant?] catarrh, or rabbies [rabies?] the powers conferred by this paragraph on the board may be exercised by the chairman, and provided further that such sanitary board shall cause copies of their regulations from time to time to be printed and furnished to all railway common carriers within this state and all deputies within this state, members of the different health boards and to the sheriffs of each county within the state, who shall keep them posted in their offices, and shall furnish from the office of the state veterinary surgeon other copies thereof whenever requested from time to time. Same.

5. To aid the prosecution of all alleged violations of the law, or violations of the regulations prescribed in conformity with this Act; and to aid prosecution for interfering with the lawful action of their appointive officers. Same.

6. To direct and regulate the slaughter of all diseased animals and the dipping and treating thereof for disease, and to order and regulate the gathering and handling of range and other live stock to that end, and to make all and any necessary regulations or rules or orders relative to the gathering, handling and Same.

treating or destruction of any animals mentioned herein suffering from or exposed to any contagious or infectious disease.

Same.

7. In the case of scabbies [scabies?], or any other contagious or infectious disease among domestic animals on the public range, if after due notification, the owner, agent or person in charge fails, within ten days, subsequent to such notification from the state veterinary surgeon, or deputy, or sanitary board, to take such animal or animals up and properly treat the same, under the direction of the state veterinary surgeon, or deputy, then the sanitary board shall have authority to order the rounding up of such animal or animals and procure the proper treatment of the same by the state veterinary surgeon or deputy, all of which expense shall be a first lien upon the animal or animals and said lien shall take precedence over all other liens. Provided, in case of scabbies [scabies?] the time for gathering and rounding up range animals may be extended by written order of the sanitary board to a period not exceeding sixty days from date of notification, or in case of emergency, on account of acutely fatal diseases, may be limited by said board to twenty-four hours or less, as in their judgment is necessary.

Same.

Provided further, that if any of said domestic animals on the public range are estrays and the owner thereof is not known and cannot with reasonable diligence be found, then the sanitary board shall have the same authority to order the rounding up of and to procure the treatment of said animal or animals as is herein conferred upon it in handling animals other than estrays and said estray animals shall be subjected to all the provisions of this section; and provided further that any animal or animals upon which a lien is created by this section, may upon order of the sanitary board, be sold at public sale to the highest bidder, after at least ten days notice, to be given in

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such manner as the sanitary board may provide. The proceeds from such sale to be applied, first in satisfying said lien and the balance if any to be turned over to the owner if known. If the owner of the animal or animals so sold is not known then the balance if any to be deposited with the Secretary of the Board of Stock Commissioners, to be by him held subject to proof of ownership of the animal or animals sold for a period of two years from the date of sale, at which time if no person has proven his ownership of the animal or animals sold, such balance must be transferred to the credit of the stock indemnity fund, and no action for the recovery thereof by the owner of such animal or animals or his assigns shall thereafter be maintained.

Section 6.

Two classes of animals may be slaughtered:

What animals may be slaughtered and paid for.

1. Animals determined by either the state veterinary surgeon or a deputy to be affected with disease requiring slaughter. No animals of this class shall be paid for, save when a mistake as to the existence of a slaughterable disease is discovered upon autopsy.

Same.

2. Animals so exposed to disease as to require their slaughter as a sanitary safeguard. These shall be paid for, subject to the conditions hereafter mentioned in this Section, and as provided in section 8 of this Act. No payment to be made for cats and dogs. Animals of the second class shall only be killed after notice, save those animals not in the direct custody of any person and whose owner is either unknown or resides so far away as to make immediate notice impracticable. And animals of both classes shall only be slaughtered by the owner or custodian, or his or their agents, or by the state veterinary surgeon or deputy. Providing that animals otherwise subject to be paid for on slaughter shall not be paid for under any of the following conditions:

Same.

1. When they belong either to the United States, or to this State, or to any municipality therein.

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Same.

2. When they have been brought into this State contrary to the provisions of this Act, or regulations or orders made thereunder, or when exposed to disease either before, or at the time of their arrival in this State, or when the owner or claimant knew that [they?] had been exposed when he acquired them.

Same.

3. When, before exposure, it was suffering from any other incurable or necessarily fatal disease.

Same.

4. When the owner or custodian has violated the provisions of Section 15 of this Act, as to notice concerning exposed animals or otherwise.

Section 7.

Notice to owner of animal.

When the state veterinary surgeon or deputy, shall have determined after inspection, that an animal of the first class must be slaughtered and notice is required, he shall give written notice to either the owner or custodian; which notice must designate the disease, and require such owner or custodian to kill the animal, and where burial or burning of the carcass is desired, to bury or burn it, in manner and time to be declared therein, and must be either personally served or served by mail or by leaving in daytime at the residence of such owner or custodian, with any person over fifteen years of age.

2. If such owner or custodian fails to comply with such order the state veterinary surgeon or a deputy may forthwith seize such animal or animals and enforce the order at the cost of such owner or custodian. If such owner or custodian dispute the existence of such disease or any slaughterable disease, he shall serve a written notice of protest on the state veterinary surgeon or deputy (serving original notice) and shall fix in such notice of protest a time and place (the former not later than 136 hours after the service of said original notice) when and where he will kill such animal or animals. Such notice of protest shall be served in season to enable the state veterinary surgeon or deputy to attend the killing. And thereupon

Notice of protest by owner.

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the state veterinary surgeon or a deputy shall attend the killing and hold an autopsy on such animal or animals in the presence of the owner, or custodian or any other person by him selected to be present. If on such autopsy, no pathological lesion of a disease requiring slaughter can be found, the animal or animals shall be paid for as in the case of animals of the second class. But if found part of the tissue of each animal showing such lesion shall at the time be delivered to such owner, custodian or representative, the receipt of the letter [latter?] taken therefor, and another part of said tissue and said receipt sent to the state veterinary surgeon, who shall retain them until the claim is finally disposed of. On any killing after notice of protest, a right of action shall arise in favor of the owner or custodian, against said sanitary board; but recovery in such action shall not be had unless the non-existence of such lesion at the time of the killing be affirmatively proven. And judgment recovered by any plaintiff in such action shall be paid out of the stock indemnity fund, created by this Act. In all cases where animals of the first class are killed without notice, autopsy shall be held, and a certificate of the discovery or non-discovery of lesion, together with part of tissue forwarded the state veterinary surgeon as above, save when the animal or animals to be slaughtered show unmistakable symptoms of disease requiring slaughter, in which event a certificate stating said fact shall be forwarded the veterinary surgeon.

Autopsy.

Right of action of owner.

Judgment, how paid.

Certificate of autopsy.

3. When no lesion is found and the value of the meat for human consumption has not been affected, the veterinary surgeon holding autopsy shall issue a permit of sale and the carcass may be sold for food. After inspection and proper certification of such fact is made by the state veterinary surgeon or deputy.

Permit of sale.

Section 8.

Whenever animals are to be paid for under the pro

Payment for animals.

visions of this Act, they shall be paid for out of the stock indemnity fund, by this Act created, upon an order of said Board, after the valuation thereof has been to it certified. Said valuation must be made by the veterinary surgeon or deputy veterinary surgeon ordering the slaughter or killing of the animals on holding the autopsy or in case of animals of the second class killed by order of veterinary surgeon or deputy veterinary surgeon or by the state veterinary surgeon on information to him furnished by said deputy, he must truly estimate the actual cash value at the time of killing, but in no instance shall his valuation exceed the following:

Valuations, how fixed.

Valuations.

In the case of cattle; for Common bloods, not exceeding $35.00 per head for any male animal, four years old and upwards, and for any female animal four years old and upwards, not exceeding $25.00 per head and proportionately less for lesser ages. For graded stock, not exceeding $40.00 per head for any male animal four years old and upwards, and for any female animal four years old and upwards not exceeding $35.00 per head and proportionately less for lesser ages. And for all full bloods, for any male animal four years old and upwards not exceeding $100.00 per head, and for any female animal four years old and upwards not exceeding $75.00 per head and proportionately less for lesser ages. In the case of horses, for common bloods, not exceeding $25.00 per head for each animal four years old and upwards and proportionately less for lesser ages. For graded stock, for each animal four years old and upwards not exceeding $50.00 per head and proportionately less for lesser ages. And for full bloods for any animal four years old and upwards, not exceeding $125.00 per head and proportionately less for lesser ages. In the case of goats and swine, not exceeding their market value for meat by weight.

Slaughterable disease defined.

A slaughterable disease shall be deemed any disease

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contagious or infectious that is incurable and dangerous or communicable to mankind, such as Glanders among horses, asses, and mules, or Tuberculosis, Rabbies [rabies?] and Anthrax among all animals. Provided that in tuberculosis of cattle, the sanitary board may direct the state veterinary surgeon to detain such cattle in quarantine subject to eradication by the so-called Bang System or other improved system approved by said Board.

Section 9.

Expense of treatment.

The owner or custodian shall be alike liable for expense incurred in the treatment, dipping, handling, of any live stock under the provisions of this Act, and whenever such owner or custodian is so liable for any such expense, the said sanitary board may have a lien on such live stock and any other live stock owned by the person liable, which lien shall be a first lien and superior to any other lien, claim or demand against said property. The sanitary board may also maintain a civil action for the amount of such expense against the person liable therefor.

A lien on Live stock.

Section 10.

Duty of State and Local Boards of Health to co-operate.

It is hereby made the duty of the State and several local Boards of Health of any county, city, town or village in the state, to co-operate with and assist the said sanitary board in all matters, relating to the execution of its sanitary powers as to live stock under this Act, in such manner as may be by said sanitary board prescribed, either by general regulation or direct order.

Section 11.

Notice of existence of disease.

Any person including the owner or custodian, who has reason to suspect the existence of any disease mentioned in this Act among live stock, or the presence of exposed animal or animals at any point within the state shall forthwith give notice thereof to the state veterinary surgeon.

Section 12.

Whenever in the exercise of their powers or the dis-

Members and officers of Board to have powers of a Notary Public.

charge of their duties, it shall become necessary or proper, for any member of said sanitary board, or the state veterinary surgeon, or any of his deputies, to investigate facts and conditions, he is hereby authorized to administer oaths, take affidavits and compel the attendance and testimony of witnesses being given for such purpose all the powers of a Notary Public.

Section 13.

Definitions of words and phrases.

The phrase "dangerous, contagious, infectious, enzootic and epizootic," as used in this Act, shall be deemed to include glanders, farcy, tuberculosis, anthrax, rinderpest, rabbies [rabies?], foot and mouth disease, pleuro-pneumonia, cholera, swine plague, variola or pox, contagious abortion, contagious ophthalmia, mal du coit, coital exanthema, scab or scabbies [scabies?], or any other contagious skin disease, blackleg, malignant catarrh, and any other disease of live stock that may be controlled or eradicated by sanitary measures or regulations.

The word "live-stock" as used in this Act, shall be deemed to include horses, mules, asses and cattle, goats, swine, dogs and cats.

Section 14.

Political Code, Section 3016, amended.

That Section 3016 of the Political Code be and the same is hereby amended so as to read as follows:

"Stock Indemnity Fund."

3016. The State Treasurer is hereby authorized to transfer out of any moneys in the General Fund, not otherwise appropriated, the sum of Ten Thousand Dollars, which, in addition to the sum now carried in the Stock Indemnity Fund, shall be known as the "Stock Indemnity Fund," which fund must be used exclusively to defray all expenses created by this act, except the salaries of the state veterinary surgeon, his regular deputies and his stenographer, which shall be paid out of the General Fund.

Section 15.

Breaking a quarantine.

If any owner or custodian or any other person shall wilfully or intentionally break any quarantine and re-

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move any quarantined animal or animals from any established quarantine to another point; or shall take any animal or animals into any established quarantine, or shall wilfully or intentionally drive or transport from one point to another any animal or animals known by him to be affected with or exposed to any contagious or infectious disease; or shall wilfully or intentionally, dispose of the carcass of any affected or exposed animal or animals of any kind for consumption as food; or shall wilfully or intentionally sell milk from any such animal or animals, without permit from the state veterinary surgeon, or deputy, or fails to notify the state veterinary surgeon of the existence of contagious or infectious disease among his animals, or exposure thereto, or shall wilfully violate any provisions of this Act, or any regulations or orders lawfully made in conformity therewith; or shall in any manner hinder, resist or obstruct the execution of any such regulation or order, or hinder, resists or obstructs any officer or employee of said sanitary board in the discharge of his duty, or in the exercise of his lawful powers, or shall negligently break any quarantine, or negligently suffer any quarantined animal or animals to escape from quarantine, or take or allow any animal or animals to go into any quarantine, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than Five Hundred Dollars, or imprisonment in the County jail not more than six months or both such fine and imprisonment.

Removing affected or diseased animals, disposing or selling the carcass for food.

Selling milk.

Failure to notify.

Resisting any officer in discharge of his duty.

Breaking quarantine.

Misdemeanor.

Penalty.

Section 16.

It shall be unlawful for any owner, agent or person in charge of, to permit any domestic animal or animals herein mentioned, and that is known to be suffering from or exposed to any contagious or infectious disease, to run at large on the public range or public highways, and each such offense shall be punishable by a fine of not less than $25.00 nor more than $500.00 or imprisonment in the county jail for a period of not more than six months or both.

Allowing diseased animals to run at large.

Penalty.

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Section 17.

Breaking quarantine defined.

Breaking quarantine shall mean the taking of any animal or animals or allowing any animal or animals (of the kind quarantined by the state veterinary surgeon or a deputy) to go into or out of any building, corral, premises or range quarantined by the state veterinary surgeon or a deputy.

Section 18.

Reports, annual and monthly.

The state veterinary surgeon shall make, on or before the tenth of December each year, a written report to the Sanitary Board, which report must be transmitted by them to the Governor. The Deputy Veterinary Surgeon must make monthly reports and annual report to the state veterinary surgeon, such reports to be included in the annual report of the state veterinary surgeon.

Section 19.

Repealing clause.

All Acts and parts of Acts in any manner conflicting with this Act are hereby repealed, saving, however, the right to prosecute all civil or criminal actions that may have arisen under these provisions, which actions may be prosecuted with like force and effect as if said Acts had not been repealed.

Section 20.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 7, 1907.

CHAPTER 153.

"An Act to amend Section 770 of the Penal Code of the State of Montana, relating to the safe keeping and disposition of public moneys."

Be it Enacted by the Legislative Assembly of the State of Montana:

Penal Code, Section 770 amended.

Section 1.

That Section 770 of the Penal Code of the State of

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Montana be, and the same is hereby amended so as to read as follows:

"Section 770. Every officer of this state, or of any county, city, town or district of this state, and every other person charged with the receipt, safe keeping, transfer or disbursement of public moneys, who either— Public moneys, officer charged with safe-keeping of.

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or

2. Loans the same, or any portion thereof, except by deposits in the manner authorized by law, or having the possession or control of any public money, makes profit out of it, or uses the same for any purpose not authorized by law; or Loan.

3. Fails to keep the same in his possession or under his control until disbursed or paid out by authority of law; or Fail to keep in his possession.

4. Unlawfully deposits the same, or any portion thereof, in any bank, or with any banks or other person; or Unlawful deposit.

5. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or Make false entry.

6. Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or Fraudulently alter.

7. Wilfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or Refusal to pay on order or warrant.

8. Wilfully omits to transfer the same when such transfer is required by law; or Omit to make transfers.

9. Wilfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him under any duty imposed by law which compels him to pay over the same; Refusal to pay over to duly authorized person.

is punishable by imprisonment in the State Prison not less than one nor more than ten years, and is disqualified from holding any office in this state." Penalty.

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Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after July 15th, 1907, provided that until said date the existing statute of which this Act is amendatory shall not be held to be repealed, or modified.

Approved March 7, 1907.

CHAPTER 154.

An Act for the submitting to the qualified electors of the State of Montana, an amendment to Article 12 of the Constitution of the State of Montana, relating to the revenue and taxation, and providing for an increase in the Tax Levy.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Amendment to Section 9, Article XII, of the Constitution to be submitted.

There shall be submitted to the qualified voters of the State of Montana, at the next general election, the following amendment to Section 9, Article XII, of the Constitution of the State of Montana; That Section 9 Article XII of the Constitution be, and the same is, hereby amended to read as follows;

Rate of taxation for State purposes.

"Section 9. The rate of taxation of real and personal property for state purposes, in any one year, shall never exceed Three (3) mills on each Dollar of valuation, and whenever the taxable property in this state shall amount to Five Hundred Million Dollars ($500000000.00), the rate shall not exceed Two and One-half mills (2½) on each Dollar of valuation, and whenever the taxable property in this state shall amount to Eight Hundred Million Dollars ($800,000,000.00), the rate shall never exceed Two (2) mills on each Dollar of valuation, unless the proposition to increase such rate, specifying the rate proposed

Increase of rate.

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and the time during which the rate shall be levied, shall have been submitted to the people at the general election and shall have received a majority of all the votes cast for and against it at such election."

Section 2.

Form of ballots.

Separate official ballots shall be used at the general election to be held in November, 1908, which shall have thereon the words, "For the amendment to the Constitution providing for an increase in Tax Levy," and the words, "Against the amendment to the Constitution providing for an increase in Tax Levy."

Section 3.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 155.

"An Act to Amend Section 10, of Article 2, of Chapter 106, of the Laws of 1905, and providing when the fee of lands necessary to be taken for drains shall vest."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Laws of 1905, Section 10, Article 2, Chapter 106, amended.

That Section 10, of Article 2, of Chapter 106, of the laws of 1905 be and the same is hereby amended so as to read as follows:

Returns to be made by jury or Special Commissioner.

Section 10. The said jury or special commissioners shall within fifteen days from the date of their first meeting make a return in writing of their hearing, determination and of their several awards. The special commissioners shall file said return with the county drain commissioner who shall examine the same, and

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if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the special commissioners for correction, with his objections in writing. The special commissioners shall thereupon proceed to correct their return, and file the same with the county drain commissioner within five days. When the county drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. In case of a jury they shall file and return to the judge of the district court who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the jury for correction, with his objections in writing. The jury shall thereupon proceed to correct their return, and file the same with the court within five days, and when such report shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the county drain commissioner. Such return by such jury or special commissioners shall be deemed sufficient conveyance to vest the fee of the lands necessary to be taken for such drain and upon which damages are awarded in the county in which they are situated, in trust to and for the uses and purposes of drainage, and for no other use or purpose whatever; Provided, that the amount of compensation that they have been awarded therefor shall have been paid or deposited in court for the person or persons entitled thereto; and provided further, that final order of condemnation be made and entered in the case.

Proviso.

Proviso.

Approved March 7, 1907.

CHAPTER 156.

"An Act to amend Section 654 of the Political Code of the State of Montana Relating to the Sale of Poisons."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 654 of the Political Code of the State of Montana be, and the same is hereby amended so as to read as follows:

Political Code, Section 654, amended.

Sale of poisons, regulated.

It shall be unlawful for any person from and after the passage of this Act to retail any of the following named poisons, to-wit: Arsenic, and its preparations, corrosive sublimate, white and red precipitate, biniodide of mercury, cyanide of potassium, hydro-cyanic acid, strychnine, and all poisonous vegetable alkaloids and their salts, the essential oil of almonds; opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, belladona [belladonna?], colchium [colchicum?], conium, nux-vomica, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid, oxalic acid; wood alcohol; without labeling the box, bottle, vessel, paper or package in which said poison is contained, with the name of the article, and the word "poison," and the name and place of business of the seller. Also each label of such poison shall contain a concise statement of the principal antidotes for the poison so labeled. The label hereby required to be placed upon wood alcohol shall contain the following: "Warning." The fumes of wood alcohol burned in a close room, if inhaled are injurious to eyesight, often producing total blindness. Nor shall it be lawful for any person to deliver or sell any poisons enumerated above, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it be used for a legitimate purpose. The provisions of this Section shall not apply to the dispensing of poisons in not unusual quantities or dose upon the prescription of practitioners of medicine. Any person or persons violating the provisions of this Section

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Misdemeanor.

shall be deemed guilty of a misdemeanor; Provided,

Proviso.

however, that this Section shall not apply to manufacturers, making and selling at wholesale any of the above poisons, and provided that each bottle, box, vessel, paper, or package in which said poison is contained shall be labelled with the name of the article, the word "poison," and the name and place of business of the seller.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict are hereby repealed.

Section 3.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 7, 1907.

CHAPTER 157.

"An Act to Provide that the National Flag be Unfurled, Displayed and Kept floating upon the grounds of the State Capitol Building, and to authorize and direct the Secretary of State to have erected a suitable flagstaff and provide suitable flags therefor, and to provide for the payment of the necessary expenses incident thereto."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

National flag to be displayed on State Capitol Grounds.

That the National flag shall be kept unfurled, displayed and floating from a suitable flagstaff to be erected upon the State Capitol Grounds from 8 o'clock A. M. to 5 o'clock P. M. of each and every day of the

Proviso.

year; provided, that the flag shall not be so unfurled or displayed or allowed to remain floating when by reason of violent wind or other inclemency of the weather there is danger of destruction of, or material injury to, such flag.

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Section 2.

Erection of flagstaff authorized.

That for the purpose of carrying out the provisions of this Act the Secretary of State is hereby authorized and directed to have erected on the State Capitol grounds a suitable flagstaff of proper dimensions and to provide the necessary flag or flags of proper dimensions and suitable material, and to cause the said flag to be unfurled, displayed and kept floating as above provided.

To provide necessary flags.

Section 3.

Appropriation.

That the necessary expenses incident to the carrying out of this Act shall be paid out of such moneys as shall be appropriated for the maintenance of the Capitol Building and grounds, and that the sum of fifteen hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay for the same and to carry this bill into effect.

Section 4.

Repealing clause.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 5.

When Act takes effect.

This Act shall be in full force and effect from and after its passage.

Approved March 7, 1907.

CHAPTER 158.

An Act, entitled, "An Act to amend Chapter 96 of the Acts of 1903, providing for the establishment of a Montana State Fair, for the Appointment of a Board of Directors, Executive Officers, and for the Conduct and Management thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Laws of 1903, Section 9, Chapter 96, amended.

That Section 9 of Chapter 96 of the Acts of 1903,

and approved March 6, 1903, be and the same is hereby amended to read as follows:

Section 9.

Board of Directors of Montana State Fair.

Election of executive officers.

Salary of Secretary.

Duties of Secretary.

The secretary and treasurer of the Montana State Fair may be elected from the Board of Directors, or, persons not members of said Board may be selected for either of said positions; Provided, that the secretary shall reside and maintain an office at the city of Helena. The secretary may be paid such salary, not exceeding twelve hundred ($1200.00) dollars per annum, as the directors may designate, and he shall perform such duties as the said directors or Executive Committee may prescribe. He shall keep an accurate account of all expenditures of the institution, and shall file a statement thereof in the office of the state treasurer during the month of December of each year, which statement shall show in detail all receipts and expenditures since the filing of the last statement, and be attested by the treasurer of the institution. The treasurer of the institution shall keep an accurate account of all moneys received and disbursed by him, and, from the opening of the annual State Fair till the close of the years business, he shall have authority to receive and disburse moneys in settlement of premiums, claims and expenses under such rules and regulations as the directors may prescribe; Provided, that during the month of December he shall file with the state treasurer a statement showing all receipts and disbursements, and, in all cases, file vouchers for the same.

Section 2.

Laws of 1903, Section 13, Chapter 96, amended.

That Section 13 of Chapter 96 of the Acts of 1903, be and the same is hereby amended to read as follows:

Section 13.

Salary of Treasurer.

The treasurer may be paid not to exceed three hundred ($300.00) dollars per annum for his services.

Section 3.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

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Section 4.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

CHAPTER 159.

An Act entitled "An Act to Prohibit the Use of Trust Company and Savings Bank Titles Unless the Company Using Such Title Is Incorporated under the Trust Deposit and Security, and Savings Bank Corporation Laws of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

It shall be unlawful for any person to use the words "trust", or "trust company", "savings", or "savings bank", in the title of any business, corporate or otherwise, unless such business be organized and incorporated under the laws of Montana, relating to "Trust Deposit And Security, And Savings Bank Corporations", or such business is to be conducted by a foreign corporation which has fully complied with the laws of Montana, and is duly qualified and authorized to conduct business in the State of Montana. Any person or persons violating the provisions of this section, either individually or as an interested party in a co-partnership or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than three hundred nor more than one thousand dollars, or by imprisonment in the County Jail not less than sixty days nor more than one year, or by both such fine and imprisonment." Use of Trust Company and Savings Bank titles prohibited unless duly authorized. Misdemeanor. Penalty.

Section 2.

All Acts and parts of Acts in conflict with any of the provisions hereof are hereby repealed. Repealing clause.

Section 3.

This Act shall take effect and be in force from and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

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CHAPTER 160.

An Act to amend Sections 3000 and 3013 of the Political Code, and the Acts Amendatory thereof, relating to the appointment of a State Veterinary Surgeon, his qualifications and Salary.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Political Code. Section 3000, amended.

That Section 3000 of the Political Code be amended to read as follows:

State Veterinary Surgeon. Appointment. Term of office. Bond.

Section 3000: The Governor is authorized to nominate, and, by and with the consent of the Senate, appoint a competent Veterinary Surgeon, who shall be known as the "State Veterinary Surgeon," and who shall hold his office for a term of four years, and until his successor shall be appointed and qualified, unless he be sooner removed for cause, and who must, before entering upon the performance of his duties, execute a bond in the sum of five thousand dollars, and take and subscribe the oath of office prescribed by the constitution.

Qualifications.

The person so appointed must be a graduate in good standing of some recognized, regular and reputable Veterinary College, or Veterinary Department of a regular and reputable university; must be legally qualified to practice in the State of Montana, and must have had at least five years' continuous practical experience in his profession, and his selection must be based upon competency and efficiency alone.

Section II.

Political Code, Section 3013, amended.

That Section 3013 of the Political Code be amended to read as follows:

Salary. Expenses.

Section 3013: The State Veterinary Surgeon shall receive an annual salary of three thousand dollars, together with his actual and necessary traveling and office expenses, and must devote his entire service to the duties of his office, and he must be authorized to ap-

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point a Stenographer, at a salary not exceeding twelve hundred dollars per annum. Stenographer salary.

Section III.

All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing clause.

Section IV.

This Act shall take effect and be in force from and after its passage and approval. When Act takes effect.

Approved March 7, 1907.

CHAPTER 161.

An Act to procure and preserve a uniform system of indexing and cross-indexing the session laws of the State of Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be the duty of the State Law Librarian to prepare a suitable index of all the laws and resolutions passed or adopted at each session of the Legislative Assembly of Montana, after this, the Tenth Session. Indexing of Session Laws by State Law Librarian.

Such index shall be a thorough index of such laws and resolutions, and of each subject contained in or covered by such laws and resolutions, together with such cross-index as will assist in readily finding any subject or matter contained in such volume; and for the purpose of procuring and preserving uniformity in such indices, the index of each succeeding volume of the session laws shall conform, as near as practicable, with those of the volumes preceding it, prepared by said Librarian. Manner of indexing.

He shall also prepare for each volume of such laws an additional index, showing what sections of the several codes of this State, and what session laws have been amended, repealed, altered or changed by any laws published in that volume, which shall be known Code index.

and designated as the "Code Index", and to deliver the said indices to the Secretary of State as soon as completed.

Section 2.

To be furnished with copies of all laws and resolutions.

It shall be the duty of the Secretary of State to deliver to the State Law Librarian at the earliest day practicable after the final adjournment of each session of the Legislative Assembly, correct copies of all laws and resolutions passed or adopted at such session, to be used by said Librarian in preparing such indices.

Publication of indices.

The Secretary of State shall cause such indices to be published with such laws and resolutions.

Section 3.

Additional help

The Law Librarian is authorized and empowered to engage and employ stenographic assistance in the preparation of such indices, and said assistant shall be paid out of any funds in the Law Library expense account.

Section 4.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

CHAPTER 162.

An Act entitled, "An Act to amend Section 15 of Chapter XI of the Laws of 1903, relating to the licensing of Taxidermists."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Laws of 1903, Section 15, Chapter XI, amended.

That Section 15 of Chapter XI, Laws of 1903, relating to the licensing of taxidermists, be, and the same is hereby amended so as to read as follows:

Taxidermists must obtain a license.

Section 15. Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead

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bodies of any of the birds or animals, or any part thereof, mentioned in the game laws of this state, must first obtain from the State Game and Fish Warden a Taxidermist's License, such license to be taken out annually. Such person shall, on the first day of each month, make a written report to the State Game and Fish Warden, of all the articles of Game, the kind and number of each, by whom owned, and residence of owner, received during the past month, also of all the articles of game shipped and to whom and where shipped during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address.

Must make monthly reports.

Section II.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section III.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

When Act takes effect.

Approved March 7, 1907.

CHAPTER 163.

"An Act to amend Section 411 of the Civil Code of Montana relating to the making and filing of Articles of Incorporation of Domestic Corporations, and to repeal Section 406 of the Civil Code."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 411 of the Civil Code of Montana be, and the same is hereby amended so as to read as follows:

Civil Code, Section 411 amended

Section 411. At any time hereafter, any three or more persons who may desire to form a Company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business; of digging ditches, of building flumes, or running tunnels; of pur-

Articles of Incorporation making and filing of.

chasing, holding, developing, improving, using, leasing, selling, conveying, or otherwise disposing of water powers and the sites thereof and lands necessary or useful therefor, or for the industries and habitations arising or growing up, or to arise or grow up, in connection with or about the same; of purchasing, holding, laying out, platting, developing, leasing, selling, dealing in, conveying or otherwise using or disposing of townsites or towns or the lots, blocks or subdivisions thereof, or lots, blocks or subdivisions in any town, village, or city; or of carrying on any other branch of business designed to aid in the industrial or productive interests of the country and the development therefor of one or more of the aforesaid branches of business, or for any of the purposes for which private corporations may be formed, as set forth in Section 393 of this Code, must prepare, sign, acknowledge, and file Articles of Incorporation in the office of the County Clerk of the county in which the principal business of the company is to be transacted, and a copy thereof certified by the County Clerk, with the Secretary of State, whereupon the Secretary of State must issue to the corporation over the great seal of the State, a certificate that a copy of the articles, containing the required statement of facts has been filed in his office. Thereupon the persons signing the articles and their associates and successors, shall be a body politic and corporate by the name stated in the certificate, and for a term of forty years, unless in the articles of incorporation otherwise stated, or in this code otherwise specially provided, but in no case where not otherwise specially provided in this code, must such term exceed forty years; provided, however, that no articles of Incorporation shall be accepted and filed by the Secretary of State which designate a name for the proposed corporation which is the same as that of any existing domestic corporation, or which in the judgment of the Secretary of State is so similar to the name of any ex-

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isting domestic corporation as to mislead or confuse persons dealing with such corporations; and provided further, that nothing herein shall affect the present term of existence of any corporation heretofore incorporated under this section for a period of forty years.

Section 2.

Section 406 of the Civil Code and all Acts and parts of Acts in conflict herewith are hereby repealed.

Civil Code, Section 406, repealed.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 7, 1907.

CHAPTER 164.

An Act, Entitled: "An Act In Relation to Making Loans to Officers By Banks."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That on and after the passage of this Act, it shall be unlawful for any Bank, Banking Institution or Trust Company, organized and doing business under the laws of this State, to make a loan to any managing officer of such bank without taking good collateral or other ample and specific security therefor, and when such loan, or a loan made to a director of such Bank, Banking Institution or Trust Company, exceeds in amount ten per cent of its capital stock, it shall not be made until first approved by a majority of the directors of such Bank, Banking Institution or Trust Company, which said approval shall be entered upon the records of such Bank, and the signatures of a majority of the Board of Directors approving same shall be attached thereto, and be and remain a permanent record of such Bank.

Loans to officers or directors of banks.

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Section 2.

Violation of this act.

Any bank, or any managing officer of any bank, violating any of the provisions of this Act, shall be liable to a fine of one thousand dollars, to be recovered in an action at law, for the use of the public school fund of the county where located, and, in addition, such managing officer may be imprisoned in the State Prison for not less than one year, nor more than ten years.

Penalty.

Section 3.

It is hereby made the duty of the County Attorney, in each and every county in the State, to prosecute to a final determination any violation of this Act, and of the State Bank Examiner to report same to such officer.

Section 4.

When Act takes effect.

This Act shall be in force and effect upon its passage and approval by the Governor.

Approved March 8, 1907.

CHAPTER 165.

An Act, entitled: "An Act authorizing the Board of County Commissioners in each county to appropriate money out of the general fund for the purpose of defraying the expenses of the exhibit of the county at the State Fair."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Appropriations by Counties for exhibit at State Fair authorized.

That the Board of County Commissioners in each county is hereby authorized to appropriate, each year, the sum of one thousand ($1000.00) dollars, or so much thereof as may be necessary, out of the general fund of the county, for the purpose of defraying the expenses of collecting, transporting and taking care of any exhibit from such county at the State Fair, such money to be expended under the direction of the board.

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Section II.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section III.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 8, 1907.

CHAPTER 166.

"An Act to amend Section 2 of Chapter 52 of the Laws of 1905, relating to the protection of birds, fish, fur bearing animals and game."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Section 2 of Chapter 52 of the Laws of 1905, be amended so as to read as follows: Laws of 1905, Section 2, Chapter 52, amended.

Section 2. Any person who wilfully shoots or kills, or causes to be shot or killed, any moose, bison, caribou, buffalo, "or more than one antelope which can be killed only between September 1 and December 1," shall be punished by imprisonment in the state prison for a term not exceeding two years, or in the county jail not less than six months, or shall be fined not more than Five Hundred Dollars nor less than Fifty Dollars, or by both such fine and imprisonment: Any person who wilfully shoots or kills, or causes to be shot or killed, any quail, or Chinese pheasant shall be punished by imprisonment in the county jail for a term not less than ninety days nor more than six months, or by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars or by both such fine and imprisonment. Unlawful killing of game. Penalty. Killing of quail or pheasants. Penalty.

Approved March 8, 1907.

CHAPTER 167.

"An Act, providing for the Initiative and Referendum in Cities and Towns."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Initiative in cities.

Ordinances may be proposed by legal voters of any city or town in this state in the manner provided in this act, Eight per cent of the legal voters of any city

On petition of voters.

or town may propose to the city or town council an ordinance on any subject within the legislative jurisdiction and powers of such city or town council or an ordinance amending or repealing any prior ordinance or ordinances. Such petition shall be filed with the city or town clerk. It shall be the duty of the city or town clerk to present the same to the council at their first meeting next following the filing of the petition.

Action of council on petition.

The council may, within sixty days after the presentation of the petition to the council, pass an ordinance similar to that proposed in the petition, either in exact terms or with such changes, amendments or modifications as the council may decide upon. If the ordinance proposed by the petition be passed without change it shall not be submitted to the people, unless a petition for referendum demanding such submission shall be filed under the provisions of this Act, If the council

Action in District Court.

shall have made any change in the proposed ordinance, a suit may be brought in the district court in and for the county in which the city or town is situated, to determine whether or not the change is material. Such suit may be brought in the name of any one or more of the petitioners.

Parties to action.

The city shall be made the party defendant. Any elector of the city or town may appear in such suit in person or by counsel on the hearing thereof, but the court shall have the power to limit the number of counsel who shall be heard on either side and the time to

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be allowed for arguments. It shall only be necessary to state in the complaint that a petition for an ordinance was filed in pursuance of this Act; that the city council passed an ordinance on the subject different from that proposed in the petition, and that the plaintiff desires a construction of the ordinance so passed to determine whether or not it differs materially from that proposed. The petition and the ordinance proposed thereby, and the ordinance actually passed, may be set out in the complaint, or copies thereof annexed to the complaint. The names to the petition need not be set out. Such cases shall be advanced and brought to hearing as speedily as possible and have precedence over other cases, except criminal and taxation cases. The court shall have jurisdiction in such cases to determine whether or not the change made by the city council is material, and also whether the petition was regular in form or substance, and shall also have power to decide, if the fact be put in issue by the defendant, whether or not the petition was signed by a sufficient number of voters and was regular in form. If the court shall decide that the change was material, and that the petition was regular in form and signed by a sufficient number of legal voters, then the ordinance proposed by the petition shall be submitted to the people as provided in this act. If the court shall decide that the ordinance passed by the council was not materially different from that proposed in the petition, or that the petition was not regular in form, or not signed by a sufficient number of legal voters, the ordinance shall not be submitted to the people. If the court shall decide that the changes made by the council were material, but that the petition was irregular for some reason, or not properly or sufficiently signed, a new petition regular in form may be presented by the required number of legal voters asking the council to submit such ordinance to the people, and thereupon the same shall be so submitted as provided in this act. If

Argument of counsel.

Allegations of complaint.

Speedy hearing.

Jurisdiction.

Decision.

Failure of council to act within 60 days.

the council shall not within sixty days pass an ordinance on the subject of the ordinance proposed in the petition, then the ordinance proposed by the petition shall be submitted to the people. Before submitting such ordinance to the people, the mayor or city or town council may direct that a suit be brought in the district court in and for the county, in the name of the city or town, to determine whether the petition and ordinance are regular in form and whether the ordinance so proposed would be valid and constitutional.

Action may be brought by city

Defendants.

The complaint shall name as defendants not less than ten nor more than twenty of the petitioners. In addition to the names of such defendants, in the caption to the body of the complaint, there shall be added the words "and all petitioners whose names appear on the petition for an ordinance filed on the ..... days of ..... in the year .....," stating the date of the filing. The summons shall be similarly directed and shall be served on the defendants named therein, and in addition thereto shall be published at least once, at the expense of the city, in at least one newspaper published in the city or town. In all suits brought under this section the decision of the district court shall be final, except in cases where it shall decide that the proposed ordinance would be unconstitutional or invalid as being beyond the powers of the city or town council, and in such excepted cases the petitioners, or any of them, may appeal to the supreme court as in other cases but shall not be required to give any bond for costs. The decision of the district court holding such ordinance valid or constitutional shall not, however, prevent the question to be raised subsequently, if the ordinance shall be passed and go into effect, by any one affected by the ordinance. No costs shall be allowed to either side in suits or appeals under this section.

Caption.

Summons.

Publication.

Decision final.

Exception.

Appeal without bond.

Costs.

Section 2.

Any ordinance proposed by petition as aforesaid,

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which shall be entitled to be submitted to the people, shall be voted on at the next regular election to be held in the city or town, unless the petition therefor shall ask that the same be submitted at a special election and such petition be signed by not less than fifteen per cent of the electors qualified to vote at the last preceding municipal election.

Shall be voted on at regular elections.

Special election by petition.

Section 3.

No ordinance or resolution passed by the council of any city or town shall become effective until thirty days after its passage, except general appropriation ordinances providing for the ordinary and current expenses of the city or town, excepting also emergency measures, and in the case of emergency measures the emergency must be expressed in the preamble or in the body of the measure, and the measure must receive a two-thirds vote of all the members elected.

No ordinance shall be effective until 30 days after passage.

Exceptions.

In emergency ordinances the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health and safety, and shall not include a franchise or license to a corporation or individual, nor any provisions for the sale of real estate, nor any lease or letting of any property for a period exceeding one year, nor the purchase or sale of personal property exceeding five thousand dollars in value.

Emergency ordinances.

Section 4.

During the thirty days following the passage of any ordinance or resolution five per cent of the qualified electors of the city or town may, by petition addressed to the council, and filed with the clerk of the city or town, demand that such ordinance or resolution, or any part or parts thereof, shall be submitted to the electors of the city or town.

Referendum petition.

Section 5.

Any measure on which a referendum is demanded under the provisions of this act shall be submitted to the electors of the city or town at the next municipal

To be voted on at general election.

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Special election on petition.

election, provided the petition or petitions shall have been filed with the city clerk at least thirty days before such election. If such petition or petitions be signed by not less than fifteen per cent of the qualified electors of the city or town, the measure shall be submitted at a special election to be held for the purpose.

Section 6.

Special election on order of council or may submit at general election.

The city or town council may in any case order a special election on a measure proposed by the initiative, or when a referendum is demanded, or upon any ordinance passed by the city or town council, and may likewise submit to the electors, at a general election, any ordinance passed by the city or town council.

Section 7.

Proclamation of election by mayor.

Whenever a measure is ready for submission to the electors, the clerk of the city or town shall, in writing, notify the mayor thereof, who, forthwith, shall issue a proclamation setting forth the measure and the date of the election or vote to be had thereon. Said proclamation shall be published four days in four consecutive weeks in each daily newspaper in the municipality, if there be such, otherwise in the weekly newspapers published in the city or town. In case there is no weekly newspaper published, the proclamation and the measure shall be posted conspicuously throughout the city or town.

Publication.

Posting.

Section 8.

Ballots.

The question to be balloted upon by the electors shall be printed on the initiative or referendum ballot and the form shall be that prescribed by law for questions submitted at state elections. The referendum or initiative ballots shall be counted, canvassed and returned by the regular board of judges, clerks, and officers, as votes for candidates for office are counted, canvassed and returned. The returns for the question submitted by the voters of the municipality shall be on separate sheets and returned to the clerk of the municipality. The return shall be canvassed in the same manner as

Counting the votes.

Canvassing the returns.

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the returns of regular elections for municipal officers. The mayor of the municipality shall issue his proclamation as soon as the result of the final canvass is known, giving the whole number of votes cast in the municipality for and against such measure, and it shall be published in like manner as other proclamations herein provided for. A measure accepted by the electors shall take effect five days after the vote is officially announced.

Section 9.

Qualifications of voters.

The qualifications for voting on questions submitted to the electors, under the provisions hereof, shall be and the same as those required for voting at municipal elections in the city or town at elections for mayor or aldermen thereof. And where, by the laws of the state, or by ordinance of the city or town made in pursuance thereof, electors are required to register in order to be qualified to vote at municipal elections, the registration book or books shall be prima facie evidence of the right to sign any petition herein provided for.

Registration book prima facie evidence of right to sign petition.

Section 10.

Form of petitions and proceedings to conform to state law as near as may be.

The form of petitions and the proceedings under this act, shall conform as nearly as possible, with the necessary changes as to details, to the provisions of the laws of the state relating to the initiative and referendum, and be regulated by such laws except as otherwise provided in this act. The city clerk shall perform the duties which, under the state laws devolve upon the county clerk and secretary of state, insofar as the provisions relating thereto may be made to apply to the case of the city or town clerk; but it shall not be necessary to mail or distribute copies of the petitions or measures to the electors of the city or town.

Duties of city clerk.

Section 11.

Not to comply with other similar laws.

The provisions of this act regarding the referendum shall not apply to ordinances which are required by

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any other law of the state to be submitted to the voters of [or?] the electors or tax payers of any city or town.

Section 12.

When Act takes effect.

This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1907.

CHAPTER 168.

"An Act to provide for the appointment of a State Board of Voting Machine Commissioners, defining their duties, powers and expenses thereof and providing rules and regulations for the use of voting machines in all counties, cities, towns and districts of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

State Board of voting machine commissioners.

The Governor, Secretary of State and State Auditor and their successors in office, are hereby created and constituted the State Board of Voting Machine Commissioners.

Duties.

It shall be the duty of said Board to examine all voting or ballot machines in order to determine whether such machines comply with the requirements of this Act, and can safely be used by voters at elections under the provisions of this Act, and no machine or machines shall be provided or used at any election in this state unless the said machine or machines shall have received the approval of a majority of said Board as herein provided.

May employ qualified mechanics.

Said Board may employ two qualified mechanics who shall be qualified electors of the State of Montana to examine said machines and assist said Board in the discharge of its duties under this Act, the compensation to be paid such qualified mechanics not to exceed the sum of Ten Dollars each for each day actually employed. Any machine or machines which shall have the approval of the majority

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of said Board may be provided for in this Act. The report of said Board on each and every kind of voting machine shall be filed with the Secretary of State within thirty days after examining the machine, and the Secretary of State shall within five days after the filing of any report approving any machine or machines, transmit to the Board of County Commissioners, City Council or other board of officers having charge and control of elections in each of the counties and cities of this state, a list of the machines so approved. No machine or machines shall be used unless they shall have received the approval of the State Board at least sixty days prior to any election at which such machine or machines are to be used. The compensation of the mechanics and all other expenses connected with the examination of any machine shall be paid, or caused to be paid, by the person or company submitting a machine for examination before the filing of the report thereon. The amount of such expenses shall be certified by the State Auditor and paid to the State Treasurer.

Report of Board.

List of approved machines to be sent to city and county officers.

Expenses of examination of machine to be paid by person submitting same.

Section 2.

No machine or machine system shall be approved by the commission unless it be so constructed as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote. The machine or machine system must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast. For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such

Specifications of machine required.

device, opposite or adjacent to which shall be a ballot on the machine containing the names of all of the candidates for all presidential electors of that party and a vote registered or recorded by the use of such device shall be counted for each of such candidates on said ballot. The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purpose; and the machine must be so locked, arranged, or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate.

Section 3.

Counties and cities to use machines.

The Boards of County Commissioners of counties of the first class, and the City Councils of cities of the first class shall and the Boards of County Commissioners and the City and Town Councils of other counties, cities and towns, may adopt and purchase for use in the various precincts, any voting machine approved in the manner above set forth in this Act, by the voting machine commission and none other. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in a city, village or town, as many may be supplied as it is practicable to procure, and the same shall be used in such precinct of the municipality, as the proper officers may order.

Consolidation of precincts.

The proper officers of any city, village or town may, not later than the tenth day of September, in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine, and the notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

Section 4.

Payment, how provided for.

Payment for voting machines purchased may be provided by the issuance of interest bearing bonds, certificates of indebtedness, or other obligation, which

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will be a charge upon such county, city or town, such bonds, certificates, or other obligation may be made payable at such time or times, not exceeding ten years from the date of issue, as may be determined, but shall not be issued or sold at less than par.

Section 5.

Election room.

The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the judges. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the judges shall not allow any person to pass within the railing to that part of the room where the machine is situated except for the purpose of voting and except as provided in the next succeeding section of this Act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting machine booth or compartment longer than one minute, and if he should refuse to leave it after that lapse of time he shall at once be removed by the judges.

Voting, how conducted.

Section 6.

Assistance to elector unable to record his vote.

If any voter shall, in the presence of the judges of election, declare that he is unable to read or write the English language or that by reason of physical disability or total blindness he is unable to register or record his vote upon the machine, he shall be assisted as provided by Section ..... of the statutes of .....

Deceiving an elector.

Any person who shall deceive any elector in registering or recording his vote under this section, or who

shall register or record his vote in any other way than as requested by such person, or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be punished as provided in Section 66 of the Penal Code.

Penalty.

Section 7.

Ballots.

Ballots shall be provided by the respective city and county clerks for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor. The ballots shall be placed on or in the machine in the order of arrangement provided by Section ..... of the Political Code, except that they may be vertical columns or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose. The officers charged with the duty of providing ballots for any polling place, shall provide therefor five sample ballots which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be arranged in the form of a diagram showing the entire form of voting machine as it will appear after the ballots are arranged thereon for voting on election day. In addition to said sample ballots, the proper officers may furnish in connection therewith, instruction cards, diagrams of the front of the machine with ballots posted thereon, at least two of which shall also be posted up near the voting place, if furnished. All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the judges at least one day before the election.

Sample ballots.

Instruction to voters.

Publication.

Section 8.

The City or County Clerk of each city or county in

which a voting machine is to be used shall cause the proper ballots to be put upon each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set and adjusted, ready for use in voting when delivered at the precinct, and for the purpose of so labeling the machines, putting in order, setting and adjusting the same, they may employ one or more competent persons, and they shall cause the machine so labeled, in order and set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same, in the room where the election is to be held in the precinct, in time for the opening of the polls on election day. The judges shall compare the ballots on the machine with the sample ballot, see that they are correct, examine and see that all the counters, if any, in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the machine to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine, if such machine be so designed.

City and County Clerks to prepare the machines.

Judges to see that the machine is in perfect order.

Section 9.

In case a voting machine be adopted which provides for the registry or recording of votes for candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an erregular [irregular?] ticket, and any such vote shall not be counted, except for the office of presidential electors, and an elector may vote in or on such erregular [irregular?] device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more per-

Candidates not on official ballot.

Irregular ballots.

sons not in nomination, or he may vote in such irregular device a presidential electoral ticket composed entirely of names of persons not in nomination.

Section 10.

Counting the votes.

As soon as the polls of the election are closed, the judges shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartments in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided by law.

Section 11.

Machine to be sealed or locked.

The judges as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least thirty days, unless opened by order of a court of competent jurisdiction.

Irregular ballots.

When irregular ballots have been voted, the judges shall return them in a properly sealed package endorsed "irregular ballots," and indicating the precinct and county and file such package with the city or county clerk. It shall be preserved for six months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such six months, unless ordered otherwise by the court, such package and its contents shall be destroyed by the city or county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner.

Return blanks.

The officers heretofore charged with the duty of furnishing tally sheets and return blanks shall furnish suitable return blanks and certificates to the officers of election. Such return sheets shall have each candidate's name designated by the same reference character that said candidate's name bears on the ballot labels

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and counters, and shall make provision for writing in of the vote for such candidate in figures, and shall also provide for the writing in of the vote in words. Such return sheet shall also provide for the return of the vote on questions. It shall also have a blank thereon, on which can be marked the precinct, ward, etc., of which said return sheet bears the returns and the number and make of the machine used. Said return sheet shall also have a certificate thereon, to be executed before the polls open by the judges of election, stating that all counters except the protective counter, if any, and except as otherwise noted thereon stood at "000" at the beginning of the election, and that all of said counters had been carefully examined before the beginning of the election; that the ballot labels were correctly placed on the machine and correspond to the sample ballot, and such other statements as the particular machine may require; and shall provide for the signature of the election officers. Said return sheet shall also have thereon a second certificate stating the manner of closing the polls, the manner of verifying the returns, that the foregoing returns are correct, giving the indication of the public counter, and poll list, and protective counter, if any, at the close of the election. Such certificate shall properly specify the procedure of canvassing the vote and locking the machine, etc., for the particular type of machine used, and such certificate shall be such that the election officers can properly subscribe to it as having been followed and shall have provision for the signature of the election officers. The election officers shall conform their procedure to that specified in the certificate, to which they must certify. The certificate and attest of the election officers shall appear on each return sheet.

Certificates of Judges of election, what to contain.

Section 12.

All laws of this state applicable to elections where voting is done in another manner than by machine, and all penalties prescribed for violation of such laws shall

Election laws of this State applicable.

apply to elections and precincts where voting machines are used in so far as they are not in conflict with the provisions of this Act.

Section 13.

Neglect of duty by any officer.

Any public officer or any election officer upon whom any duty is imposed by this Act or who shall wilfully neglect or omit to perform any such duties, or do any act prohibited herein for which punishment is not otherwise provided herein, shall upon conviction, be imprisoned in the State Prison for not less than one year or more than three years or be fined in any sum not exceeding one thousand dollars, or may be punished by both such imprisonment and fine.

Penalty.

Section 14.

Tampering with or injuring machine or ballot.

Any person not being an election officer who, during any election or before any election, after a voting machine has been placed upon it, the ballots for such election, who shall tamper with such machines, disarrange, deface, injure or impair the same in any manner, or mutilate, injure, or destroy any ballot placed thereon or to be placed thereon or any other appliance used in connection with such machine, shall be imprisoned in the State Prison for a period of not more than ten years or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment.

Penalty.

Section 15.

Failure of Judge of election to perform his duty.

Whoever, being a judge of election with intent to permit or cause any voting machine to fail to correctly register or record any vote cast thereon, tampers with or disarranges such machine in any way, or any part or appliance thereof, or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted, so that it will correctly register or record all votes cast thereon or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate

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or candidates or proposition any vote is cast, or of causing it to appear upon said machine that votes cast for one ticket, candidate or proposition where [were?] cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot on said machine, or any part thereof, or does any other like thing shall be imprisoned in the state prison not more than ten years or fined not exceeding one thousand dollars, or punished by both such fine and imprisonment.

Penalty.

Section 16.

Any judge or clerk of an election who shall purposely cause the vote registered or recorded on or in such machine to be incorrectly taken down as to any candidate or proposition voted on, or who shall knowingly cause to be made or signed any false statement, certificate, or return of any kind, of such vote, or who shall knowingly consent to such things, or any of them being done, shall be imprisoned in the State Prison not more than ten years, or fined not more than one thousand dollars, or punished by both such fine and imprisonment.

False returns or certificate by any Judge or clerk of election.

Penalty.

Section 17.

The proper officers authorized by this Act to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Montana Voting Machine Commission without a formal adoption or purchase thereof and its use at such election shall be as valid for all purpose as if formally adopted. If from any cause a machine becomes unworkable, or unfit for use, voting shall proceed as in cases where machines are not used, and the County Clerk must furnish each voting place with the supply of ballots and other supplies required by the election laws to be used in the case of emergency herein provided for, and in such case only.

Experimental use of machine.

When machine is unworkable or unfit for use.

Section 18.

This Act shall take effect and be in force, from and after July first (1st) Nineteen Hundred and Seven (1907).

When Act takes effect.

Approved March 8, 1907.

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CHAPTER 169.

"An Act to protect the traveling public from being compelled to eat adulterated food stuffs served in hotels, restaurants and boarding houses in the State of Montana, without having due notice thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Adulterated food stuffs in hotel, restaurant or boarding houses.

If a proprietor, manager or other person having the management of any hotel, resturant [restaurant?] or boarding-house in the State of Montana shall serve or cause to be served upon the tables to his or their guests any article of food known to said proprietor or manager of said hotel, restaurant or boarding-house, to be adulterated, he shall be guilty of a violation of this Act, unless he or they shall have posted, hung up and maintain in his or their public office and in his or their dining room, in a conspicuous place in full view of his or their guests, a large red, card board sign, the size of which shall be twelve (12) inches in width, the words printed thereon in large, bold, black letters of the size of not less than seventy-two point type, "We Serve On Our Tables, No Food Stuffs Which Have Been Harmfully Adulterated." Be it further provided that the original labels shall always be maintained and kept upon the can, carton, box, bottle, barrel or other receptacle containing any such goods which may be used for foods, until all of the contents of such cans, boxes, cartons, bottles, barrels or any other receptacle containing any such food stuffs shall have been used or totally destroyed.

Card sign to be posted.

Original labels to be maintained.

Section 2.

Failure to Comply.

For failure to put up and maintain such cards continuously in said public offices and dining rooms heretofore mentioned, or to maintain the labels as this Act directs, the proprietor or manager guilty of such failure shall be guilty of a violation thereof, the

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penalty for which shall be, for the first offense a fine of Two Hundred Dollars ($200) and costs of court for the prosecution of the said cause; for the second offense a fine of Three Hundred Dollars ($300) together with court costs and a term of not less than three months nor more than six months in the County Jail; for the third offense, a fine of Six Hundred Dollars ($600) and court costs, and a term in the State Prison for a period of not less than one year nor more than three years.

First offense, penalty.

Second offense, penalty.

Third offense, penalty.

Section 3.

Any canned goods or food stuffs purchased at the stores in Montana, or from any wholesale or retail stores in the United States which are labeled as being adulterated and served to their guests or stored upon the premises occupied by them shall be prima facie evidence of the guilt of such hotel, resturant [restaurant?] or boarding-house proprietor or manager if such cards are not displayed as heretofore directed.

Purchase of adulterated goods, prima facie evidence.

Any state chemist or any sheriff or any of his deputies shall at all times have free and peaceable access during business hours in the store-room, kitchen, or any other place where foods are stored or kept by the proprietor or manager aforesaid, for the purpose of ascertaining the quality and brands of the goods used by said proprietor or manager.

Free access to store-rooms and kitchens by officers.

Section 4.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 5.

This Act shall take effect and be in force from and after May first, 1907.

When Act takes effect.

Approved March 8, 1907.

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CHAPTER 170.

"An Act providing regulations for saloons, and prohibiting wine rooms in or in connection with saloons, prohibiting the frequenting of wine rooms by females, or the admission of females to wine rooms, and prohibiting females being in saloons for the purpose of being supplied with liquor, and prohibiting certain signs in connection with saloons, and providing for the enforcement of this Act and penalties for its violation."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Saloons, obstructions to view of interior must be removed.

During the time or hours when, by the provisions of any statute of the State of Montana saloons must close, all curtains, screens, movable blinds, shutters, paint, frost, dirt, or other things that obstruct the view from the outside of the bar or place in any saloon where liquors are sold, or kept for sale, shall be removed. It shall be the duty of every owner, licensee proprietor or employee in charge of any saloon to remove any and all movable obstruction or obstructions at the hour that the saloon is by law required to close, or within fifteen minutes after said hour.

Section 2.

Wine rooms or private apartments in saloons must be kept open to public view.

It shall be unlawful to erect or maintain, or allow to remain in existence in, or in connection with any saloon, either as a part thereof, or as an adjunct thereto, or on any floor, or in any basement of any saloon, any wine room, or private apartment, with any door, curtain or screen of any kind, or any room or private apartment unless the interior thereof is left open to public view, and unless there be an opening from such rooms or apartment of at least three feet in width and six feet in height, without any curtain or screen whatsoever in, or in front of, or inside of such opening or in any passageway connected therewith or adjacent

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thereto And every day during which any such prohibited apartment or room is maintained or allowed to remain in existence shall be deemed a separate offense.

Section 3.

Female person not allowed to enter any room in a saloon.

It shall be unlawful for any owner, licensee, proprietor or manager of any saloon, or his clerk, agent, servant or bar tender, to have, or keep with, or as a part of, any saloon any room or apartment, with or without door or doors, curtain or curtains, or screen of any kind, in which any female person shall be permitted to enter from the outside or from such saloon.

Section 4.

Female person not allowed to remain in any part of saloon or place connected.

It shall be unlawful for any owner, licensee, manager, clerk, agent, bar tender, or other employee, having for the time being charge or control of any saloon, or any place connected therewith, either by doors or otherwise, to suffer or permit any female person to be or remain in such saloon, or place connected therewith, for the purpose of being there supplied with any kind of liquor whatsoever. Provided, that when a barroom is maintained in any hotel, this Act shall not be construed to apply to the parts of the building where the other business of the hotel is transacted.

Proviso.

Section 5.

Certain kinds of signs prohibited.

It shall be unlawful for any owner, proprietor, licensee, manager or other person owning, running or conducting any saloon to put up, maintain or allow to remain in place over or near any door, or in or near any passageway, opening or leading into such saloon, the words "ladies entrance," or "womens' entrance," or "private entrance," or any words of like import on any wall, door, sign board or otherwise.

Section 6.

Prima facie evidence.

If it shall appear that any female shall at any time be allowed to loiter in any saloon, or to be or remain in any room, apartment or place in or connected with such saloon, such fact shall be prima facie or presumptive evidence that such female was permitted to be or

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remain in said saloon or place connected therewith for the purpose of being supplied with liquor, and shall be prima facie or presumptive evidence in favor of the guilt of the accused party or parties. Provided, that when a bar-room is maintained in any hotel, this Act shall not be construed to apply to the parts of the building where the other business of the hotel is transacted.

Proviso.

Section 7.

Violation of, penalty.

Any person violating any of the provisions of this act shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars. And if any person convicted of a violation of any of the provisions of this act shall, after such conviction, commit any other violation of any of the provisions of this act, such person shall, upon conviction of such subsequent offense, be imprisoned in the county jail for not less than thirty days nor more than one year, and shall not, for a period of one year after such second or other subsequent conviction, be entitled to obtain or hold in his own name or the name of any person any license for the sale of any malt, spirituous or intoxicating liquor.

Subsequent conviction, penalty.

Section 8.

Witnesses exempt from civil and criminal liability.

No person shall be excused from attending or testifying, or producing any books, papers, documents, before any court or magistrate upon any investigation, proceeding or trial for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence of, documentary or otherwise; and no testimony or evidence so given or produced shall be received against him upon any civil or criminal proceeding, action or investigation. And

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the person so testifying may plead or prove the giving of any testimony accordingly in bar of such prosecution, penalty or forfeiture.

Section 9.

Duty of Chief of police in all cities to inspect all saloons in city.

Within thirty days after the fifteenth day of April, 1907, it shall be the duty of every chief of police and marshal in all cities and towns in this State to make a thorough inspection of all saloons within his city or town to ascertain whether this act shall have been complied with and whether any rooms, apartments, or partitions are maintained in any saloon in violation of any of the provisions of this act, and to make a report in writing to the county attorney of any violations of this act and of any failure to comply with its provisions.

Report to county attorney.

Duty of sheriff to inspect all saloons in county.

It shall likewise be the duty of the sheriff of every county in this State, within sixty days after the fifteenth day of April, 1907, to make a thorough examination of every saloon situated in his county outside of the corporate limits of any city or town, to ascertain whether this act shall have been complied with and whether any rooms, apartments or partitions are maintained in any saloon in violation of any of the provisions of this act, and to make a report in writing to the county attorney of any violation of this act and of any failure to comply with its provisions.

Report to county attorney.

County attorney to prosecute.

Upon receipt of such report or reports it shall be the duty of the county attorney to cause prosecutions to be commenced against all persons reported to him as having violated any of the provisions of this act or as having failed to comply therewith.

Duty of all peace officers to report and prosecute.

It shall at all times be the duty of all peace officers in counties, cities and towns of this State to report and prosecute, or cause to be prosecuted, any and all persons guilty of any violation of the provisions of this act, and to report all cases of violations to the county attorney.

Section 10.

When Act takes effect.

This act shall take effect and be in force on and after the fifteenth day of April, 1907.

Approved March 8, 1907.

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CHAPTER 171.

"An Act to provide certain requirements of Life Insurance Companies organized in the State of Montana, and also relating to the admission of Life Insurance Companies organized in another State and applying to transact business in this State."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Life Insurance companies.

Subdivision 1. Incorporation—Life Insurance Companies. Every life insurance company, except those

Assessment and fraternal excepted.

organized upon the assessment plan and fraternal beneficiary associations, created under the laws of this or any other state or county, shall, before issuing policies in this state, comply with the provisions of this Act applicable to such companies.

Incorporation.

Subdivision 2. When any number of persons associate themselves together for the purpose of forming a life insurance corporation as provided for in this Act, they shall publish a notice of such intention once

Publication of intention.

a week for four consecutive weeks in some public newspaper in the county in which such insurance corporation is proposed to be located, and they shall also

Articles of incorporation.

make articles of incorporation, as provided in Section 403, of the Civil Code as amended, and forward to the State Auditor, who shall submit the same to the

Examination.

Attorney General for examination, and if it shall be found by the Attorney General to be in accordance with the provisions of this Act and not in conflict with the Constitution and the laws of the United States and this state, he shall make a certificate of the facts and return it to the State Auditor. The State Auditor shall reject the name or title applied for by any person, company or corporation when he shall deem the same so similar to any one already appropriated by any other company or corporation as to be likely to be misleading to the public. When the articles of incorporations shall

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have received the approval of the State Auditor such articles, with such approval, must be filed, recorded and certified as required by Section 406 of the Civil Code; provided that the articles of incorporation as filed with the Secretary of State shall be in duplicate, one copy of which shall be certified by him to the State Auditor the expense of such certification to be borne by the insurance company. Approval. Filing and recording.

Subdivision 3. Having published the notice, and filed the publisher's affidavit of the publication thereof with the State Auditor, together with the articles of incorporation, the persons named in the articles of incorporation, or a majority of them, shall open books for the subscription of stock to the corporation at such times and places as to them may seem convenient and proper, and shall keep the same open until the full amount specified in the articles of incorporation is subscribed; or in case the business of such corporation is proposed to be conducted on the plan of mutual insurance, then they shall open books and receive propositions and enter into agreements in the manner and to the extent specified in this Act. Stock Subscription.

Section 2.

Stock Companies—Capital. Stock companies organized under the laws of this state shall have not less than One Hundred Thousand Dollars of Capital subscribed, fifty per cent. of which shall be paid up and invested in bonds of the United States or this state, or in bonds or mortgages upon unincumbered real estate in this state, worth, exclusive of improvements, at least double the sum loaned thereon, which security shall be deposited with the State Auditor, and upon such deposit and evidence by affidavit or otherwise satisfactory to the Auditor that the capital is all subscribed in good faith, and that the company is the actual and unqualified owner of the securities representing the paid up capital, he shall issue to such company the certificate hereinafter provided for, but no Capital. Amount. Investments. Security.

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part of the fifty per cent. aforesaid shall be loaned to any stockholder or officer of the company. The re-

Unpaid capital.

mainder of such capital shall be paid within such time as the directors or trustees of the company may order, or as the State Auditor may direct, but not later than two years from date of issuance of Auditor's Certificate, and until paid it shall be secured by the notes of the stockholders of the company. Provided, further, that the additional fifty per cent. of the capital stock may also be deposited with the State Auditor under the same conditions as the original fifty per cent., or any additional amount which is necessary for the purpose of complying with the laws of any other state to enable said company to do business in such state, and the company making such deposit shall be entitled to the income thereof and may, from time to time, with the consent of the State Auditor, when not forbidden by the law under which the deposit is made, change in whole or in part the securities which compose the deposit for other competent securities of equal par value.

Section 3.

Mutual companies, conditions.

Mutual Companies—Conditions. Life insurance companies organized under the laws of this state upon the mutual plan shall, before issuing any policies, have actual applications on at least two hundred and fifty lives for an average amount of at least One Thousand Dollars each, a list of which, giving the name, age, residence, amount of insurance and annual premium of each applicant, shall be filed with the State Auditor accompanied by the certificate, under oath, of the president, secretary and a majority of the board of directors of such company, that the whole amount of the annual premium has been paid for in cash at adequate rates.

Section 4.

Stock or premium notes.

Stock or Premium Notes. No note shall be accepted as part of the capital of a stock company, unless accom-

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panied by a certificate of the clerk of the district court, or other court of record, of the county in which the person executing it resides, to the effect that the person making it is in his opinion pecuniarily good and responsible therefor in property not exempt from execution.

Section 5.

Deposit of Securities.—Valuation of Policies. As soon as practicable after the filing of annual statement, the Auditor shall ascertain the net cash value of every policy in force upon the basis of the American Table of mortality and four and one half per cent. interest, or actuaries' combined experience table of mortality and four per cent. interest, in all companies organized under the laws of this state. For the purpose of making such valuation he may employ a competent actuary, who shall be paid by the company for which the service is rendered; but the company may make such valuation and it shall be received by the Auditor upon satisfactory proof of its correctness. The net cash value of all policies in force in any such company being ascertained, the Auditor shall notify it of the amount, and within thirty days thereafter the officers thereof shall deposit with the Auditor the amount of the ascertained valuation in the securities specified in this Act. No stock company organized under the laws of this State shall be required to make such deposit until the cash values of the policies is in force, as ascertained by the Auditor, exceeds the amount deposited by it as capital. Provided, that Mutual Companies, upon their organization, shall deposit with the State Auditor at least one half of the first annual premium in securities as provided for in this Act. Provided, further, that all the companies provided for in this Act shall have the right at any time to change the securities on deposit by substituting a like amount of the character required in the first instance. If the annual valuation of the policies in force shows them

Valuation of policies.

Deposit of securities.

Proviso.

Proviso.

to be less than the amount of security deposited, then the company, in the case of a stock company, may withdraw such excess but at any time cannot be less than Twenty-five Thousand Dollars on deposit.

Section 6.

Foreign companies.

Foreign Companies—Capital or Surplus—Investments. No company incorporated by or organized under the laws of any other state or government shall transact business in this state unless it is possessed of the actual amount of capital required of any company organized by the laws of this state, or, if it be a mutual company, of surplus equal to the amount required of capital stock companies, and the same is invested in bonds of the United States or of this state, or in interest paying bonds, when they are at or above par, of the state in which the company is located, or of some other state, or in notes or bonds secured by mortgages on unincumbered real estate within this or the state where such company is located, worth double the amount loaned thereon, which securities, shall, at the time, be on deposit with the superintendent of insurance, auditor, controller or chief financial officer of the state by whose laws the company is incorporated, or of some other state, and the Auditor of this state is furnished with a certificate of such officer, under his official seal, that he, as such officer, holds in trust and on deposit for the benefit of all the policy holders of such company the securities above mentioned. This certificate shall embrace the items of security so held, and show that such officer is satisfied that such securities are worth One Hundred Thousand Dollars. Nothing herein contained shall invalidate the agency of any company incorporated in another state by reason of its having exchanged the bonds or securities so deposited with such officer for other bonds or securities authorized by this Act, or by reason of its having drawn its interest and dividends on the same.

Capital and surplus.

Investments.

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Section 7.

Interest collected. Companies having on deposit with the State Auditor bonds or other securities may collect the dividends or interest thereon, delivering to their authorized agents the coupons or other evidence of interest as the same become due, but if any company fails to deposit additional security when and as called for by the Auditor, and as provided for in this Act, or pending any proceedings to close up or enjoin it, the Auditor shall collect such dividends or interest and add the same to such securities.

Dividends or interest on securities, collection of.

Section 8.

Return of Deposit. Upon request of any domestic insurance company the State Auditor may return to such company the whole or any portion of the securities of such company held by him on deposit, when he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any provision of law or purpose of the original deposit. And he may return to the trustees or other representative authorized for that purpose of a foreign insurance company any deposit made by such company when it shall appear that such company has ceased to do business in this state or in the United States, and that such company is not subject to any liability in this state for whose benefit such deposit was made.

Return of deposit.

Section 9.

Service of Process. Every life insurance company or organization organized under the laws of another state or country shall, before receiving a certificate to do business in this state, or any renewal thereof, file in the office of the State Auditor a power of attorney executed by the president and secretary of the company, or such other qualified officer authorized to sign such instrument, appointing a citizen of this state, resident within this state, the agent or attorney for the company, upon whom process of law can be served, and

Service of process.

Agent or attorney.

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such power of attorney shall stipulate and agree, on the part of the company making the same, that any lawful process against said company which is served on such agent shall be of the same legal force and validity as if served on such company or association within this state; and also, that in case of death or absence of the attorney so appointed service of process may be made on the State Auditor of this state, or his successors in office, with the same power and effect as if served upon such agent; and such power of attorney cannot be revoked or modified (except that a new one may be substituted), so long as any policy or liability remains outstanding against such company in this state. The term "process," used above, shall be held and deemed to include any writ, summons or order whereby any action, suit or proceedings shall be commenced, or which shall be issued in or upon any action, suit or proceedings, by any court, officer or magistrate. If such notice or process be served upon the State Auditor, as above provided, he shall immediately, upon its receipt acknowledge service thereon on behalf of the defendant insurance company by writing thereon, giving the date thereof, and shall immediately return such notice or process in a registered letter to the clerk of the court in which the suit is pending, addressed to him by his official title, and shall also forthwith mail such copy with a copy of his acknowledgement of service written thereon in a registered letter addressed to the person or corporation who shall be named or designated in such notice or process. A record of such action shall be kept by the State Auditor in a book prepared for that purpose.

Section 10.

Auditor's certificate.

Publication of Auditor's Certificate. Every insurance company of the character provided for in this Act, doing business in the state, organized under the laws of this or any other state or country, shall publish annually, before the first day of May, in two news-

Publication.

papers of general circulation, to be approved by the State Auditor, one of which shall be published at the capital city and, in case of companies organized in the state, one in the county where the principal office is located, a certificate from the Auditor that such company has in all respects complied with the law of the state relating to insurance, and an affidavit of such publication made by the publisher or foreman of such newspaper shall be filed in the office of the Auditor within thirty days from the date of such publication. Such certificate shall also contain a statement made up from the annual report of said company of the actual amount of paid up capital, the aggregate amount of assets and liabilities at the date of such report, together with the aggregate income and expenditures of such company for the preceding year, as shown by said report.

Expenditure.

Section 11. Vouchers for Expenditures. No life insurance company organized in this state shall make any disbursement of One Hundred Dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements the voucher shall set forth the services rendered and an itemized statement of the disbursements made. If the expenditure be in connection with any matter pending before any legislative or public body, or before any department or officer of any state or government, the voucher shall correctly describe, in addition, the nature of the matter and of the interest of such company therein. When such voucher cannot be obtained the expenditure shall be evidenced by an affidavit describing the character and object of the expenditure and stating the reason for not obtaining such voucher.

Vouchers.

Section 12.

Investments.

Investments. No life insurance company organized

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or incorporated under the laws of this state shall invest in or loan upon any shares of stock of any corporation, other than a municipal corporation; nor, excepting government, state or municipal securities, shall it invest in, or loan upon, any bonds or obligations not secured by adequate collateral security and when more than one third of the total value of the collateral security shall consist of shares of stock, it shall be deemed inadequate. No investment or loan, except policy loans, shall be made by any such life insurance company, unless the same shall first have been authorized by the board of directors, or by a committee thereof charged with the duty of supervising such investment or loan. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company jointly with any other person, firm or corporation; nor shall any such company enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Any such company, in addition to other investments allowed by law, may invest any of its funds and accumulations in the bonds of the United States or of this state or of any county, city, town or village, or duly organized school district therein, or of any municipality or civil division of any state and may loan upon improved unincumbered real property in any state fifty per cent. of the value of such property, or invest in the mortgage bonds of any dividend paying railway or street railway company duly incorporated and organized under the authority of this state or any other state and it may also make loans on the security of promissory notes amply secured by pledge of any bonds in which such insurance companies are hereby authorized to invest their funds, and may also make loans upon the security of its own policies, but no loan on any policy shall exceed the reserve value thereof.

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Section 13.

Real Estate Holdings Permitted. Every such life insurance company organized in this state may acquire, hold and convey real property only for the following purposes and in the following manner: Real estate holdings permitted.

1st. Such as shall be requisite for convenient accommodations in the transaction of its business.

2nd. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due.

3rd. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as shall have been purchased at sales on judgments, decrees or mortgages obtained or made for such debts.

All such real property specified in Subdivisions 2, 3, and 4 of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within two years after the company shall have acquired title to the same, or within two years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold such property for a longer period unless it shall procure a certificate from the State Auditor that its interests will suffer materially by the forced sale thereof, in which event the time for the sale may be extended to such time as the State Auditor shall direct in such certificate. Sale of

Section 14.

Bonds of Officers—Mutual Companies. The president and secretary of every mutual insurance company or association organized in this state under the provisions of this Act, shall be required to file with the State Auditor a bond each in the amount of Ten Thousand Dollars for the faithful performance of their duties as the respective officers of such company or association. Bonds of officers.

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Section 15.

Capital stock.

Increase.

Increase of Capital Stock. If the capital stock of any insurance company or association organized in this state and provided for in this Act shall be increased a certificate showing such increase shall be filed with the State Auditor, who shall make or cause to be made, an examination of the securities composing such capital stock thus increased, and if satisfied therewith, such Auditor shall thereupon deliver to such corporation a certified copy of such examination with his written permission to do business upon such increased capital, a copy of which certificate and permission shall be filed in the office of the Secretary of State, and of the county clerk of the county where the principal place of business of said corporation is located.

Section 16.

Examination of companies, duty of State Auditor.

Examinations of Companies. It shall be the duty of the State Auditor, whenever he deems it expedient, to appoint one or more persons, not officers, agents, or stockholders of any life insurance company or corporation organized and doing business in this state, to examine into the affairs and conditions of any life insurance company or corporation doing business in this state, or to make such examination himself; and the officers or agents of such company or corporation must cause its books to be opened for the inspection of the Auditor or the person or persons so appointed, and otherwise facilitate such examination so far as may be in their power, and for the purpose of arriving at the truth in such cases the Auditor, or person or persons so appointed by him, have power to examine, under oath, the officers or agents of any corporation or company, or others, if necessary, relative to the business and condition of said corporation or company, and, whenever the Auditor deems it best for the interest of the public, he must publish the result of such investigation in one or more papers of this state; and whenever it appears to such Auditor

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from such examination, that the assets and funds of any such corporation doing business in this state are reduced or impaired by the liabilities of said corporation as described under the head of liabilities in the statement required by this Act more than twenty per cent. below the paid up capital stock required by this Act, he may direct the officers thereof to require the stockholders to pay in the amounts of such deficiency within such period, as he may designate in such requisition; or he must communicate the fact to the Attorney General, whose duty it shall then become to apply to the District Court, or if in vacation, to one of the judges thereof, for an order requiring said corporation to show cause why their business should not cease, and the court, or judge, as the case may be, shall, after the service of reasonable notice upon the corporation, proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of said court, or judge, that the assets and funds of said corporation are not sufficient as aforesaid, or that the interests of the public require it, the said court or judge shall decree a dissolution of said corporation and a distribution of its effects. The said court or judge shall have power to refer the application of the Attorney General to a referee to inquire into and report upon the facts stated therein. Any corporation receiving such requisition from the State Auditor, must forthwith call upon its stockholders for such amounts as will make its paid up capital equal to the amount required by this Act or the charter or articles of incorporation of said corporation; and in case any stockholder shall refuse or neglect to pay the amount so called for, after notice personally given, or by advertisement, in such time and manner as such Auditor shall approve, it is lawful for said corporation to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the

Impaired assets.

Hearing in District Court.

Decree of dissolution.

Stockholder to make good any deficiency in assets.

said stockholder may be entitled to in the proportion that the ascertained value of the funds of said corporation may be found to bear to its original capital, the value of such shares for which the new certificates must be issued to be ascertained under the direction of the said Auditor, the corporation paying for the fractional part of shares; and it is lawful for the directors of such corporation to create new stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the corporation; and in the event of additional losses accruing upon new risks, taken upon the expiration of the period limited by the Auditor in the aforesaid requisition for the filling up of the deficiency in the capital of such corporation, and before such deficiency has been made up the directors are individually liable to the extent thereof. If, upon the examination, it appears to the said Auditor that the assets of any corporation upon the plan of mutual insurance under this Act are insufficient to justify the continuance of such corporation in business, it is his duty to proceed in relation to such corporation in the same manner as is herein required in regard to joint stock corporations, and the directors of such corporation are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the time limited by the Auditor for filling up the deficiency in the capital and before such deficiency is made up. Any transfer of the stock of any corporation organized under this Act made during the pending of any investigation herein required does not release the party making the transfer from his liability for losses which may have accrued previous to such transfer. The State Auditor is authorized to examine into the condition and affairs of any insurance company, as provided for in this Act, doing business in this state, not organized under the laws of this state, or cause such examination to be made by some

Impaired assets of mutual company.

Revocation of certificate.

person or persons appointed by him, having no interest in any insurance corporation and whenever it appears to the satisfaction of said Auditor that the affairs of any such company are in an unsound condition, he must revoke the certificate granted in its behalf, and must cause the notice of the revocation thereof to be published in some newspaper of general circulation at the state capital, and the agent or agents of such companies are, after such notice, required to discontinue the issuing of any policy or the renewal of any previously issued, and the expense of such examination shall be covered as provided for in the succeeding section. The State Auditor is also hereby authorized and empowered to address any inquiries to any insurance corporation in relation to its business and condition, or any other connected with its transactions, which he may deem necessary for the public good, or for a proper discharge of his duties, and it shall be the duty of any corporation so addressed to promptly reply in writing thereto. The statement of any corporation, the capital of which is composed, in whole or in part, of notes, shall, in addition to the foregoing exhibit the amount of notes originally forming capital, and also what proportion of said notes are still held by such corporation and considered capital.

Section 17.

Expenses of examination.

Expense of Examination. The necessary expenditure for any examination made, or ordered to be made, by the State Auditor under this Act, must be certified by him and paid on his requisition by the corporation or company, which is the subject of such examination, but the State Auditor has the power upon receiving information that the capital of any corporation or company is impaired, to call upon it for a full statement of its condition, and in event of refusal or neglect to answer the requisition of the Auditor, as aforesaid, he must proceed to make the examination required by this Act, and to take the necessary action

to terminate the business of said corporation or company in this state.

Section 18.

Annual statements.

Annual Statements. It shall be the duty of the president, or the vice-president and secretary of each corporation organized under this Act, annually on the first day of January of each year, or within sixty days thereafter, to prepare under oath and deposit in the office of the State Auditor, a full true and complete statement of the condition of such company on 31st day of December preceding the filing of such statement which statement shall exhibit the following items and facts in the following forms, viz:

To contain:

Name and Capital.

The name of the company and where located.

The names of officers.

The amount of capital stock.

The amount of capital stock paid in.

Assets.

The value of real estate owned by such company.

The amount of cash on hand.

The amount of cash deposited in bank, giving name of bank or banks.

The amount of cash in the hands of agents and in the course of transmission.

The amount of bank stocks with the name of the bank giving par and market value of the same.

The amount of stocks and bonds of the United States, and all other bonds, giving names and amounts, with the par and market value of each kind.

The amount of loans secured by first mortgage on real estate.

The amount of all other bonds and loans, and how secured with the rate of interest.

The amount of premium notes on policies in force.

The amount of notes given for unpaid stock, and how secured.

The amount of assessments unpaid on stock or premium notes.

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The amount of interest due and unpaid.

All other securities.

Liabilities.

The amount of losses due and unpaid.

The amount of losses adjusted but not due.

The amount of losses unadjusted.

The amount of claims for losses resisted.

The amount of money or evidence of investment borrowed.

The amount of dividends unpaid.

The amount required to safely reinsure all outstanding risks.

All other claims against the company.

Income During the Year.

The amount of net cash premiums received.

The amount of premium notes received.

The amount of interest received from all sources.

The amount received from all other sources.

Expenditures During the Year.

The amount paid for losses.

The amount of dividends paid to policy holders and amount to stockholders.

The amount of commissions and salaries paid to agents.

The amount paid to officers for salaries and other perquisites.

The amount paid for taxes.

The amount of all other payments and expenditures.

Miscellaneous.

The greatest amount insured on any one life.

The amount deposited in other states or territories as security for policy holders therein, stating the amount in each state and territory.

The amount of premiums received in the state during the year.

The amount paid for losses in this state during the year.

The whole number of policies issued during the year,

with the amount of insurance affected thereby and total amount of risk.

All other items of information necessary to enable the Auditor to correctly estimate the cash value of policies, or to judge of the correctness of the valuation thereof.

The State Auditor is authorized to amend the form of annual statement, and to propose such additional inquiries as he may think necessary to elicit a full exhibit of the standing of companies doing business in this state.

Section 19.

Renewal of certificates.

Renewal of Certificates. The statements and evidences of investments required of foreign companies, as above, shall be renewed annually in such manner and form as required by this Act, and as said Auditor may direct, with any additional statement of the amount of the losses incurred and premiums received in this state, during the preceding year, so long as such agency continues; and the said Auditor, on being satisfied that the capital, securities and investments remain secure, as heretofore provided, shall furnish a renewal of his certificate.

Section 20.

Blanks for annual statement.

Annual Statement Blanks. It shall be the duty of the State Auditor to cause to be prepared and to furnish to each of the corporations organized under the provisions of this Act, and to attorneys or agents of companies incorporated by other states or territories and foreign governments, who may apply for the same, printed forms of statement required by this Act, and he may, from time to time, make such changes in the form of these statements as are best adapted to elicit from the corporations or companies a true exhibit of their condition in respect to the several matters hereinbefore enumerated.

Section 21.

Certificate of authority.

Certificate of Authority. Upon compliance with the

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provisions of this Act and the payment of the fees and taxes as provided by law, the State Auditor shall issue a certificate to any company organized or admitted under the provisions of this Act, which certificate shall be its authority to commence business and issue policies in this state, and which certificate shall be renewed annually as provided for in the preceding sections of this Act. Such certificate shall expire annually on the 31st day of December.

Section 22.

Act of March 9, 1901, not to apply.

The provisions of the Act of the Seventh Legislative Assembly, approved March 9, 1901, and relating to the conditions upon which foreign corporations may do business in this State, known as Senate Bill No. 46, shall not apply to foreign insurance companies that comply with the provisions of this Act.

Section 23.

Foreign corporations to comply.

Every company organized under the laws of another state which has been admitted and is authorized to transact business in this state, shall, under the provisions of this Act, within six months after the passage and approval of the same, comply with the provisions contained therein.

Section 24.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 25.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1907.

CHAPTER 172.

"An Act to repeal Sections 2990, 3016, 3046 and 3076 of the Political Code, and all Acts amendatory of, or supplementary to said Sections and which provide for special taxes on cattle, horses, mules, asses and sheep."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code, Sections 2990, 3016, 3046, 3076, repealed.

That Sections 2990, 3016, 3046 and 3076 of the Political Code of the State of Montana, and all acts amendatory of said Sections or any of them, or supplementary to any of said Sections, and which provide for special taxes on cattle, horses, mules, asses or sheep, be, and the same are hereby repealed.

Section 2.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 8, 1907.

CHAPTER 173.

"An Act to amend Chapter 45 of the Laws of 1905, entitled, 'An Act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a Board of Sheep Commissioners and appoint Inspectors and Deputy Inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith,' and to repeal an Act entitled, 'An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties,' approved March 5, 1897, and Sections 3030 to Section 3046, inclusive, of the Political Code, covering the same subject, approved February 28, 1905, by amending Sections 3, 12, 15, 16, 17, 19, 24 and 27 to read as hereinafter set forth, and by adding thereto a Section as Number 32, relating to buck herds."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That Chapter 45 of the Laws of 1905, entitled: "An

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act to foster, develop, protect and promote the sheep industry of the State of Montana, and to appoint a board of Sheep Commissioners, and appoint inspectors and deputy inspectors, and to define their duties and powers, and the duties and powers of the state veterinary surgeon in connection therewith," and to repeal an act entitled: "An Act for the appointment of a board of sheep commissioners, and to define their powers and duties," approved March 5, 1897, and Section 3030 to Section 3046, inclusive, of the Political Code, covering the same subject, approved February 28, 1905, be amended by amending Sections 3, 12, 15, 16, 17, 19, 24 and 27, to read as hereinafter set forth, and by adding thereto a section as number 32, relating to buck herds.

Laws of 1905, Chapter 45, Sections 3, 12, 15, 16, 17, 19, 24, 27, amended, Section 32, added.

Section 2.

That Section 3 of the said act be amended to read as follows:

Laws of 1905, Section 3, Chapter 45, amended.

The board must organize by electing one of its members "or some sheep owner of the State" as president, and one of its members as vice-president, and appointing a competent person as secretary, which secretary shall receive such compensation as may be allowed by said board. The members of the board shall receive actual expenses incurred by them in the performance of their duties, but shall receive no other compensation for their services, except as inspectors or deputy inspectors, or protecting the sheep industry as may be prescribed by the rules of the board. Five members shall constitute a quorum for the transaction of business.

Board of Sheep Commissioners.

Organization.

Compensation.

It shall be the duty of the vice-president to act as president in the absence of the president from the state, or from a meeting.

Section 3.

That Section 12 of the said act be amended to read as follows:

Laws of 1905, Section 12, Chapter 45, amended.

In all cases of scab, or other infectious or contagious

Quarantine for scab.

disease among sheep in this state, the state veterinary surgeon, deputy state veterinary surgeon, or inspector, has auhority [authority?] to order a quarantine of the infected premises and diseased animals, or animals exposed to such disease, and to define the limits within which such sheep must be kept, and to prohibit any other animals from being driven into or across, or kept within such quarantine limits; Provided, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed ranges and in case such disease becomes enzootic or epizootic in any locality in this state, the president of the board of sheep commissioners, or the state veterinary surgeon, or the inspector must immediately notify the governor of the state, who must, thereupon issue his proclamation, forbidding any sheep to be transferred from such locality without a certificate from the state veterinary surgeon or inspector, showing such sheep to be free from any infectious or contagious disease, and forbidding all persons from driving any other sheep into or across such locality, or keeping or herding them therein.

Proviso.

Proclamation by Governor.

Any sheep going, or being driven into or across such prohibited locality or quarantine premises, shall be deemed exposed to such infectious or contagious disease, and may be declared and detained in quarantine, and if deemed necessary by the state veterinary surgeon or inspector may be dipped.

Sheep driven into infected locality deemed exposed.

Section 4.

That Section 15 of said act be amended to read as follows:

Laws of 1905, Section 15, Chapter 45, amended.

Whenever the state veterinary surgeon receives the notice mentioned in the preceding section, or obtains knowledge that any sheep have been, or are about to be shipped or driven from any state or territory to this

Duty of State Veterinary.

state, he shall immediately notify the inspector of the county into which such sheep shall first come or be unloaded; and it shall be the duty of the said inspector to inspect said sheep immediately upon their arrival within his county, and make such order, and take such action with reference thereto as he may deem necessary, as provided in Section 18 of this act.

Duty of inspector.

Whenever any inspector receives notice or information that any sheep have been, or are about to be shipped or driven into this state from any state or territory, it shall be his duty to at once notify the state veterinary surgeon.

Duty of railroad company.

When any sheep are delivered to any railroad or transportation company, for shipment to this state, as the point of destination, it shall be the duty of such railroad company to notify the state veterinary surgeon, by telegraph, the date of said shipment, the name of the place from which they are shipped, the point of destination, the name of the consignor and the consignee, and the probable date of the arrival of said sheep at the state line of Montana; and when any sheep are billed to be shipped through the state, and afterwards the point of destination is changed to some place within this state, it shall be the duty of the railroad or transportation company, upon receiving a request to change the point of destination, to notify the state veterinary surgeon, by telegraph, giving the name of the consignor and consignee, and the point of destination to which the shipment is changed.

Section 5.

Laws of 1905, Section 16, Chapter 45, amended.

That Section 16 of said act be amended to read as follows:

Expenses of inspection, etc., paid by owner.

The expenses of inspecting, feeding, holding, dipping, treating, marking, and taking care of all sheep inspected, quarantined, dipped, or otherwise treated under the provisions of this act, including the fees and expenses of the inspector, on account of services rendered in connection with the same, must be paid by

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Lien.

the owner, agent or person in charge of such sheep, and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other liens, demands, or other claims against such sheep, and the inspector may retain possession of such sheep until such charges and expenses are paid; but such lien shall not be dependent upon possession, and such lien may be foreclosed in the name of the inspector, by a sale of the sheep, or as many thereof as may be necessary to pay the same and costs of sale at public auction, on ten days' notice, given by posting notices thereof in three public places in said county, or such lien may be foreclosed by an action in any court of competent jurisdiction, or an action may, without foreclosing such lien, be maintained in any court of competent jurisdiction against the owners of such sheep to recover the amount of such charges and expenses; provided, however, that for inspecting and dipping sheep which have been within this state six months immediately preceding such inspection, the fees and expenses of the inspector for inspecting and superintending the dipping of such sheep, and all other fees, and expenses of such inspector, connected with such inspection and dipping of said sheep, shall be paid out of the sheep inspection and indemnity fund.

Foreclosure.

Laws of 1905, Section 17, Chapter 45, amended.

Section 6.

That Section 17 of the said act be amended to read as follows:

Notice of shipment by railroad company.

It shall be the duty of the railroad or transportation company to notify the State Veterinarian of proposed shipments and their destination, as soon as said railroad or transportation company is notified by the shipper.

Removal of sheep, without certificate prohibited.

In no case must any sheep affected with, or that have been exposed to any infectious or contagious disease, be removed, or allowed to be removed, from one point to another, within any county, or from one county to

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another in this state, without a written certificate from the state veterinary surgeon, or an inspector. It shall be unlawful for any railroad company or transportation company to ship sheep from one place to another, within this state, in cars in which other sheep have been shipped, until such cars have been cleaned and carefully disinfected, under the direction of the state veterinary surgeon, or an inspector, who shall give a certificate of such inspection, which shall accompany the shipment.

Disinfecting cars.

It shall be the duty of every railroad or transportation company, before cleaning or disinfecting any such car or cars, to give notice to the state veterinary surgeon, at Helena, Montana, at least five days before the cars are to be so cleaned and disinfected; and it shall be the duty of the state veterinary surgeon, upon such notice being given, to inspect, or cause to be inspected by an inspector, on or before such date, such car or cars, so cleaned and disinfected, and to give the proper certificate therefor.

Disinfecting cars, notice of.

Examination of

It shall be the duty of every railroad or transportation company in this state to keep all yards, corrals, sheds or buildings in this state, used by such company for holding or feeding sheep in transit, and all cars used for shipping sheep, clean and free from infection from scab, or other infectious or contagious disease; and it shall be the duty of the state veterinary surgeon and inspector to inspect such yards, corrals, sheds, buildings and cars, when deemed necessary, and if the same are infected or exposed to infection from any infectious or contagious disease, to at once notify such company of such fact, and declare such premises and cars in quarantine, and forbid any animals from being placed or kept therein, until the said premises and cars are disinfected; and it shall be the duty of the said company to cause said premises and cars to be thoroughly cleaned and disinfected, under the supervision of the state veterinary surgeon, and if he

Sheep yards, corrals, buildings and cars.

Care of.

Inspection of.

Quarantine of.

Disinfection of.

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fails to do so within five days after such notice, the state veterinary surgeon or an inspector shall cause said premises and cars to be disinfected.

Authority for inspection.

The state veterinary surgeon and the inspector shall have authority to enter into all such cars, yards, corrals, sheds or buildings, for the purpose of inspecting or disinfecting the same.

Fees and expenses for inspection.

The fees and expenses of the state veterinary surgeon and the inspector, and all expenses incurred in inspecting and disinfecting such premises and cars, shall be a charge against such railroad or transportation company, and may be recovered in a civil action in any court of competent jurisdiction.

Service of process.

The notice above mentioned may be served upon the agent or other officer in charge of the station, at which such yards, corrals, sheds, buildings, or cars are situated.

Section 7.

Laws of 1905, Section 19, Chapter 45, amended.

That Section 19 of the said act be amended to read as follows:

Sheep brought into State.

Any sheep that are shipped or driven into this state, with the intention on the part of the owner of holding them within the state longer than is necessary to feed them in transit, which feeding must be done in the railroad stockyards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the state veterinary surgeon or inspector, at the point of entry or unloading, or as near such point as may be deemed safe by the state veterinary surgeon or inspector in charge, without danger of scattering infection, and when so dipped, shall be branded with a red letter "S" on the right side.

Must be quarantined and dipped.

After said sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; and when such sheep have been shipped or driven from any ter-

Second dipping.

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ritory or locality in any other state or territory that is declared by the chief of the United States Bureau of Animal Industry to be free from scab or other contagious or infectious disease, and are accompanied by a certificate from the Federal Inspector, acting under the authority of the chief of the United States Bureau of Animal Industry, setting forth that such sheep have been shipped or driven from a locality or territory free from scab or other contagious or infectious disease, and that such sheep were free from scab or other contagious or infectious disease at the time they were shipped or driven from such locality, the state veterinary surgeon may, in his discretion, release said sheep from quarantine after the second dipping, provided, however, that all rams so imported must be dipped and treated as herein provided, and shall under no circumstances be released from quarantine within less than ninety days after the last dipping; and should said rams be allowed to run with other sheep before the expiration of ninety days, said sheep must be quarantined for a period which would complete the ninety days quarantine on the rams; and that all sheep shipped or driven from any territory or locality of any state or territory not certified by the chief of the United States Bureau of Animal Industry to be free from scab, or other infectious or contagious disease, must be detained in quarantine for a period of not less than ninety days after the last dipping, and shall be released only upon the order of the state veterinary surgeon.

Proviso.

Section 8.

Laws of 1905, Section 24, Chapter 45, amended.

That Section 24 of the said act be amended to read as follows:

Violations of this act.

Section 24. Any person who brings, or causes to be brought into this state any sheep infected with scab or other infectious or contagious disease, or who shall violate, or in any manner fail to comply with any order made by the state veterinary surgeon, deputy state veterinary surgeon or inspector, or any proclamation

issued by the Governor, under the provisions of this act, or who violates or disregards any of the provisions of this act, or who shall in any manner hinder, obstruct or resist the state veterinary surgeon, or deputy state veterinary surgeon, or any inspector, in the discharge of his, or their duties, or shall break any quarantine, or wilfully or negligently permit any sheep to escape from such quarantine, or shall drive into or across, or permit any sheep to be placed within the limits of any quarantined premises, or any locality prohibited or quarantined under the proclamation of the governor, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail, not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both such fine and imprisonment, and shall be liable for all damages which may be sustained by any person, by reason of such act or acts, which damages may be recovered by such person in a civil action in any court of competent jurisdiction.

Penalty.

Damages.

Section 9.

Laws of 1905, Section 25, Chapter 45, amended.

That Section 27 of the said Act be amended to read as follows:

Appropriation.

That the sum of Nineteen Thousand Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the expenses incurred under the provisions of this Act, which moneys shall be known as the "Sheep Inspection and Indemnity Fund."

Section 10.

Laws of 1905, Chapter 45, Section 32, added.

That the following section be added to said act as Section numbered 32.

Public buck herd.

Section 32. No person or persons shall conduct what is known as a public buck herd in this state without first receiving from the state veterinary surgeon a permit to do so. Such permit must be in writing, and signed by the state veterinary surgeon. "Which said

Permit by State Veterinary.

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permit must be issued by the Veterinarian upon receipt from such person or persons of an application in writing for the same." All persons receiving a permit to conduct such herds shall, on or before the 15th day of July in each year, report to the state veterinary surgeon the number of bucks in said herd, the owners thereof, and the number owned by each, and where the said herd is kept, and any subsequent additions made to said herd must be reported to the state veterinary surgeon as soon as made.

Report of herd owner.

It shall be the duty of the state veterinary surgeon to cause all such buck herds to be inspected during the month of October in each year, and if he finds such herds to be free from scab, or other infectious or contagious disease, he shall issue a certificate stating such fact, which certificate shall have indorsed thereon the number of bucks in said herd, and the names of the respective owners. After the issuing of such certificate, any of such animals may be removed from said herd. The keeper of such herds shall not permit any animals to be removed from said herd, and no person shall remove any animals therefrom until such inspection and the issuing of such certificate. When any animals are so removed, the keeper of such herd shall give to the owners or persons removing the same a copy of the certificate of the state veterinary surgeon, and such owners or persons must, on demand of any sheep owner in this state, exhibit such certificate.

Inspection.

Certificate of.

A public buck herd, within the meaning of this act, shall be one consisting of bucks owned by two or more persons not partners.

Public buck herd defined.

Section 11.

All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Section 12.

This Act shall take effect and be in force from and after its passage and approval.

When Act takes effect.

Approved March 8, 1907.

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CHAPTER 174.

An Act entitled: "An Act to withdraw certain lands in Fergus County from sale, lease or other disposition by the State, and to dedicate the same as a public cemetery."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

"Old Fort Maginnis cemetery."

That the Northeast Quarter of the South-east quarter of the south-east quarter of section thirty-four, township seventeen north, range twenty east, in Fergus County, being a parcel of State land, consisting of ten acres, now used as a cemetery, and known as "Old Ft. Maginnis Cemetery," be and is hereby withdrawn from sale, lease or other disposition by the State, and the same is hereby dedicated as a public cemetery.

Land in Fergus County withdrawn from sale and dedicated as a public cemetery.

Section 2.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1907.

CHAPTER 175.

An Act, entitled: "An Act to regulate the sale, and to prevent the adulterations of foods, drugs, medicines and poisons, and prescribing penalties for the violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

Sale of adulterated drugs or foods, prohibited.

No person shall sell, or offer for sale, any adulterated drug or substance to be used in the manner of medicine or any adulterated article of food or substance to be used in the manner of food or drink.

Section II.

Same.

If any drug or substance used for medicine sold

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under a name recognized by the United States pharmacopoeia, or in some pharmacopoeia, or other standard work of materia medica, differs materially from the standard of strength, quality or purity laid down in such work, or contains less of active principle than is contained in the genuine article, weight for weight, or falls below the professed standard under which it is sold, it shall be deemed to be adulterated within the meaning of this Chapter.

Section III.

Same. If any food or substance to be eaten or used in the manner of food or drink contains a less quantity of any valuable constituent than is contained in the genuine article, weight for weight, or contains any substance foreign to the well known article under whose name it is sold, or is colored, coated, polished or powdered, whereby damage is concealed, or contains any added poisonous ingredient, or consists wholly or partly of any decomposed, putrid or deceased [diseased?] substance, or has become offensive or injured from age or improper care, it shall be deemed to be adulterated within the meaning of this Chapter.

Section IV.

Adulterating. Whoever adulterates, for the purpose of sale, any article of food or drink, drug or medicine, or knowingly sells any adulterated article of food, or drink, or drug, or medicine, or any kind of deceased [diseased?] or unwholesome provisions, as defined in this Chapter, shall be imprisoned not exceeding one year in the county jail, Penalty. or be fined not exceeding four hundred ($400.00) dollars, or both such fine and imprisonment.

Section V.

Maple sugar. No person shall sell, expose for sale, exchange, barter or deal in any article as and for maple sugar, maple candy or maple syrup unless the same shall be sugar, candy or syrup made solely from the sap of the maple tree.

Section VI.

Cider Vinegar. No person shall sell or expose for sale, exchange, bar-

ter or deal in any article as and for cider vinegar, unless the same shall be vinegar made solely from cider made of apples, and shall have an acidity equal to the presence of not less than four (4%) per cent by weight of absolute acetic acid, and shall contain not less than 1.6 by weight of apple solids.

Section VII.

Maple sugar and cider vinegar.

No person shall have in his possession for sale, exchange, or barter, any article which is not maple sugar, maple candy or maple syrup, or which is not cider vinegar, as those articles are defined in the two preceding sections, which is labeled, marked or represented to be maple sugar, maple candy, maple syrup or cider vinegar, and no vinegar shall be sold to contain over five (5%) per cent, by weight, of absolute acetic acid.

Section VIII.

Penalty.

Any person, who shall violate any of the provisions of the three preceding sections, shall be fined not less than ten ($10.00) dollars, nor more than fifty ($50.00) dollars.

Section IX.

Samples for analysis.

Every person offering or exposing for sale any drug or article of food, within the meaning of this Chapter, shall furnish to any analyst, or other officer duly appointed for the purpose, who shall apply to him for the same and tender him its value in money, a sample sufficient for the purpose of analysis of such drug or article of food.

Section X.

Same.

Any person who has reason to doubt the purity or genuineness of any article of food which he has purchased may send, a sealed sample of it to the chemical department of any of the State Institutions for inspection and analysis without cost. If, upon examination, the article appears to be adulterated, the county attorney may obtain a certified sample of it, and, should this sample prove to be adulterated, the county at-

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torney shall begin proceedings at once against the vendor.

Section XI.

Obstructing in discharge of duty.

Whoever hinders, obstructs, or in any way interferes with any inspector, analyst or other officer duly appointed hereunder, in the performance of his duty, shall be fined not exceeding fifty ($50.00) dollars for the first offense, and one hundred ($100.00) dollars for each subsequent offense.

Penalty.

Section XII.

Analysis of sample.

Before commencing the analysis of a sample, the analyst shall reserve a portion which shall be sealed, and, in case of complaint or indictment, part of the reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney and part to the county attorney in the county where the complaint or indictment is found.

Section XIII.

Adulterating liquor.

Whoever adulterates, for the purpose of sale, any liquor used or intended for drink, cocculus indicus, vitrol, [vitriol?] grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand ($1000.00) dollars, or be imprisoned for not exceeding one year in the county jail, or both such fine and imprisonment.

Penalty.

Section XIV.

Killing or selling meat of young calf.

Whoever kills, or causes to be killed, for the purpose of sale, a calf less than four weeks old, or knowingly sells or has in his possession, with intent to sell for food, the meat of such calf, shall be fined not exceeding fifty ($50.00) dollars, or be imprisoned not exceeding thirty days in the county jail, or both such fine and imprisonment.

Penalty.

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Section XV.

Adulterated articles to be forfeited.

Any meat, unwholesome provisions or articles sold, kept or offered for sale, and any articles adulterating in violation of any of the preceding section, shall be forfeited.

Section XVI.

Record of drugs sold.

Every apothecary, druggist or other person who sells any arsenic, corrosive sublimate, nux vomica, strychnine, prussic acid, morphia, chloral hydrate, codine, [codeine?], or cocaine, shall make a record of such sale in a book kept for that purpose, specifying the kind and quantity of the article sold and the time when, and the name of the person to whom such sale was made, which record shall be open to all persons authorized to inspect same.

Section XVII.

Penalty.

Any person who shall violate any of the provisions of the preceding sections of this Act shall on conviction thereof, be fined not less than ten dollars nor more than one hundred dollars and each article, barrel or package sold in violation of this Act shall constitute a separate offense.

Section XVIII.

Not applicable to prescriptions.

The two preceding sections shall not apply to physicians in their prescriptions or their prescriptions to their patients.

Section XIX.

County attorney to prosecute.

It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this Act in all the courts in their respective counties.

Section XX.

Exemptions.

All goods purchased before March 1, 1907, by wholesale or retail dealers of this State only, are exempt from the provisions of this Bill until January 1, 1908. This exemption is held to extend to stocks of goods in the hands of the original manufactures or packers of this state, contracted before March 1, 1907, and to the

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goods exempt under this Section, no matter how many times they change hands, provided that all such goods shall contain their true brand or formula.

Section XXI.

All Acts and parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section XXII.

This Act to take effect and be in force on and after its passage and approval. When Act takes effect.

Approved March 8, 1907.

CHAPTER 176.

An Act entitled, "An Act to create a commission to be known as the Montana State Fish Commission, naming the State Game Warden as a member of said Commission, and providing for the appointment of two other members of said Commission by the Governor; fixing the duties and compensation of said Commission, and authorizing them to locate, construct and equip a State Fish Hatchery; to regulate the distribution of the product of said Hatchery, and to appropriate money from the Game and Fish Fund, for all of said purposes."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

There is hereby created a Commission to be known as the Montana State Fish Commission. Said Commission shall be composed of two members to be appointed by the Governor, and the State Game Warden, who shall be a member ex-officio. Said members, appointed by the Governor, shall hold office for a term of four years, or until their successors have been appointed and have qualified, except that one of the two members first appointed, shall hold office for two years, and in making said first appointment, the Gov- Montana State Fish Commission. Term of office.

ernor shall designate the length of the term for which each one is appointed.

Section II.

Expenses.

Said Commission shall qualify in the same manner as members of other State Boards, and such Commissioners shall receive no compensation, except actual and necessary expenses while engaged in the discharge of their official duties.

Section III.

Organization.

Said Board shall elect one of their members, as Chairman, and one member as Secretary, and they shall sign all orders, minutes or documents for the Board. They shall keep a correct record of all business transacted, and shall make a report biennially to the Governor and Legislative Assembly.

Section IV.

State Fish Hatchery.

The Montana State Board and Fish Commissioners are hereby authorized and directed to secure the construction and equipment of a State Fish Hatchery. Said Board shall locate said Hatchery at some suitable point within the state, provided, however, that the citizens or county wherein said hatchery is located shall donate to the state and give in fee simple, a suitable site including water for the perpetual use of said Hatchery.

Section V.

Construction of Fish Hatchery.

Said State Board of Fish Commissioners, shall secure suitable plans and specifications for said Fish Hatchery, and shall proceed to construct the same by contract. Notice of the letting of such contract shall be duly published, and the party to whom such contract is awarded shall be required to give a suitable bond for the faithful performance and completion of the contract.

Section VI.

Equipment.

Said Board shall furnish and equip said Hatchery, in a suitable manner, and shall have full control over the management of the same. The product of said Hatch-

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ery shall be used exclusively for free distribution under the direction of said Board, for stocking the streams of this state. Distribution of product.

Section VII.

The said State Board of Fish Commissioners shall employ a director to manage and operate said Hatchery, who shall reside at or near said Hatchery, and whose salary shall not exceed the sum of Fifteen Hundred ($1500.00) dollars per annum. The said Board shall also have power to employ other help in the operation of said hatchery, or the distribution of the product therefrom, provided that expenditures for such purposes shall not exceed the sum of Fifteen Hundred ($1500.00) dollars, per annum. Director. Salary. Extra labor. Proviso.

Section VIII.

There is hereby appropriated out of the money in the Fish and Game Fund in the State Treasury, the following sums: For the construction and equipment of said Hatchery, the sum of Six Thousand ($6000.00) dollars; for the salary of the director of the State Fish Hatchery, for the year 1907, the sum of Fifteen Hundred ($1500.00) dollars; for extra labor and distribution of the product therefrom at said state Fish Hatchery, for the year 1907, Fifteen Hundred ($1500.00) dollars; for the salary of the director of said Hatchery for 1908, the sum of Fifteen Hundred ($1500.00) dollars; for extra labor and distribution of the product therefrom for said Hatchery for 1908, the sum of Fifteen Hundred ($1500.00) dollars, for incidental and necessary expenses of said Hatchery and of the Board for the year 1907, Six Hundred ($600.00) dollars; for the incidental and necessary expenses of said Hatchery, and of the Board for the year 1908, the sum of Six Hundred ($600.00) dollars. Appropriations. Construction and equipment. Director's salary. Extra labor and distribution of product. Director's salary. Extra labor and distribution of products. Incidental expenses.

Section IX.

All expenses of the State Board of Fish Commissioners shall be approved by the State Board of Examiners, before being paid by the State Treasurer, save and ex- Payment of expenses.

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cept the salary of the director of said Hatchery, which shall be paid without such approval.

Section X.

Repealing clause.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section XI.

When Act takes effect.

This Act shall be in full force from and after its passage and approval.

Approved March 8, 1907.

CHAPTER 177.

An Act entitled; "An Act relating to the prevention of pollution of public water supplies used for domestic purposes; authorizing the adoption and promulgation by the State Board of Health of orders, rules and regulations for such purposes; providing for appeals to the District Court from any orders of said Board and giving jurisdiction in equity to the District Court to enforce orders, rules and regulations of said Board; authorizing the establishment and maintenance of an experimental station, and providing penalties."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Public water supplies to be in care of State Board of Health.

That the State Board of Health shall have the general oversight and care of all inland waters and of all streams, lakes and ponds used by any City, Town or Public Institution or by any water or ice company in this State as sources of water supply for domestic use, and of all springs, streams and water courses tributary thereto. It shall be provided with maps, plans and documents suitable for such purposes and shall keep records of all its transactions relative thereto.

Section 2.

Examination of waters.

That said State Board of Health may cause examina-

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tions of waters to be made to ascertain their purity and fitness for domestic use or their liability to impair the interests of the public or of persons lawfully using them or to imperil the public health. It may make rules and regulations to prevent pollution and to secure the sanitary protection, of all such waters as are used for domestic purposes.

Section 3.

Publication of orders, rules or regulations.

That the publication of an order, rule or regulation made by the State Board of Health under the provisions of this Act in a newspaper of the City or Town in which such order, rule or regulation is to take effect or, if no newspaper is published in such City or Town, the posting of a copy of such order, rule or regulation in a public place in such City or Town shall be legal notice to all persons, and an affidavit of such publication or posting by the person causing such notice to be published or posted, filed and recorded, with a copy of the notice, in the office of the clerk of such city or town shall be admitted as evidence of the time at which, and the place and manner in which the notice was given.

Section IV.

Employment of necessary help.

That said State Board of Health may appoint, employ and fix the compensation of such agents, clerks, servants, engineers and expert assistants as it considers necessary. Such agents and servants shall cause the provisions of law relative to the pollution of water and of the rules and regulations of said Board to be enforced.

Section V.

To consult and advise authorities of Cities and Towns.

That said Board shall consult with and advise the authorities of Cities and Towns and persons having, or about to have, systems of water supply, drainage and sewerage as to the most appropriate source of water supply, and the best method of assuring its purity or as to the best method of disposing of their drainage or sewage with reference to the existing and future

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needs of other Cities, Towns or persons which may be affected thereby. It shall also consult with and advise all corporations, companies or persons engaged or intending to engage in any manufacturing or other business whose drainage or sewage may tend to pollute any inland water as to the best method of preventing such pollution, and it may conduct experiments to determine the best methods of the purification or disposal of drainage or sewage. Cities, Towns and all other corporations, companies or persons shall submit to said Board for its advice and approval their proposed system of water supply or of the disposal of drainage or sewage and no City, Town or persons or company shall proceed to build or install or enlarge or extend any system of water supply, drainage or sewage disposal, without first obtaining the approval of the State Board of Health. In this Section, the term, "drainage" means rainfall, surface and sub-soil water only and "sewage" means domestic and manufacturing filth and waste.

Corporations or companies.

To approve proposed systems of water supply or sewage.

Definitions.

Section VI.

That no sewage, drainage, refuse or polluting matter, of such kind and amount as either, of itself or in connection with other matter, will corrupt, pollute or impair the quality of the water of any spring, pond, lake or stream used as a source of water or ice supply by a City, Town or public institution or water or ice company for domestic use, or render it injurious to health, and no human excrement, shall be discharged into any such stream, spring, lake or pond or upon their banks or into any feeders of such spring, lake, pond or stream unless such sewage, drainage, refuse or polluting water shall have been purified, so as to render it harmless in such a manner and under such conditions and restrictions as the State Board of Health may direct.

Pollution of water supply.

Section VII.

That no municipal or other public or private corpora-

Protection of water sheds.

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tion and no company or person shall hereafter construct, build, establish or operate any railroad, logging road, logging camp, electric plant or manufacturing plant of any kind upon or over any water shed of any public water supply system, unless such corporation, company or person shall protect said water supply from pollution by such sanitary precautions as shall be approved by the State Board of Health, and any such corporation, company or person intending to construct, build or establish or operate any railroad, logging road, logging camp, electric plant or manufacturing plant of any kind upon the water shed of any public water supply system, shall furnish the State Board of Health with detailed plans and specifications of the sanitary precautions to be taken, which must be approved by said Board.

Section VIII.

That upon complaint to the State Board of Health of the Mayor or Health officer of any City or Town or the managing Board or officer of any public institution or the President of an ice company stating that manure, excrement, garbage, sewage or any other matter which pollutes or tends to pollute the waters of any Lake, Pond, Spring, Stream or water course used by such City, Town, Public Institution or Company as a source of water supply, the said Board shall cause a thorough investigation to be made of such alleged nuisance or pollution, and if, in its judgment, the public health so requires, shall by order served upon the party causing or permitting such pollution, prohibit the continuance of such pollution and shall order him to remove any such cause of pollution. Complaints. Investigation.

Section IX.

That the Agents and Servants of said Board may enter any building, structure or premises for the purpose of ascertaining whether sources of pollution or danger to the water supply there exist, and whether the rules, regulations and orders aforesaid are obeyed. Inspection.

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Section X.

Appeal to District Court.

That whoever is aggrieved by any order of the State Board of Health passed under the provisions of this act may appeal therefrom to the District Court of the County in which such order shall be effective. But such notice as the Court shall order shall also be given to the Mayor of the City or Town or President of the Water Company or any other persons interested in such order. While the appeal is pending the order of the State Board of Health shall be complied with unless otherwise authorized by the State Board of Health.

Section 11.

Jurisdiction of District Court.

That the District Court of any county of the State shall have jurisdiction in equity upon the application of the State Board of Health or of any person interested, to enforce its orders or the orders, rules and regulations of said Board of Health, and to restrain the use or occupation of the premises or such portion thereof as said Board may specify, on which said material is deposited or kept, or such other cause of pollution exists, until the orders, rules and regulations, of said Board have been complied with.

Section 12.

Experimental station to be established.

That in order that the State Board of Health may at all times be prepared to give the best advice to cities, towns, public institutions or private corporations relative to the prevention or removal of pollutions of water, said Board is hereby authorized to establish and maintain an experimental station for the purpose of studying the best methods of preventing pollution of water and for the purification of water and for the purification, disinfection and disposal of sewage and domestic and manufacturing waste so as to prevent pollution of water, and said Board is authorized to cause sanitary methods and system in use outside of the State of Montana to be investigated and studied with a view of ascertaining their fitness for conditions in this State.

Section 13.

That the State Board of Health shall biennially make

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a report to the Legislature, through the Governor, of its doings for the preceding period, recommend measures for the prevention of the pollution of such waters and for the removal of polluting substance in order to protect and develop the rights and property of the state and municipalities therein and to protect the public health, and recommend any legislation or plans for systems of main sewers necessary for the preservation of the public health and for the purification and prevention of pollution of the ponds, lakes, springs and inland waters of the State. It shall also give notice to the Attorney General of any violation of law relative to the pollution of water supplies and inland waters.

Report and recommendations.

Notice to Attorney General of violations.

Section 14.

That whoever violates any of the provisions of this Act or any rule, regulation or order of the State Board of Health made under the provisions of this act shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

Violations of this act.

Penalty.

Section 15.

All Acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 16.

This Act shall be in full force and effect from and after its passage and approval.

When Act takes effect.

Approved March 8, 1907.

CHAPTER 178.

An Act Entitled: "An Act Authorizing the Board of County Commissioners in Each County to allow County Officers a Greater number of Deputies than the Maximum number of Deputies allowed by Law, when in the judgment of the Board of County Commissioners, such Greater number of Deputies is needed for the Proper conduct of the business of any

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County Office and to fix the salary of such deputies appointed in excess of the maximum allowed by law."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Extra deputies for county officers.

That the Board of County Commissioners in each County is hereby authorized to allow the several county officers to appoint a greater number of deputies than the maximum number allowed by law, when, in the judgment of the Board of County Commissioners, such greater number of deputies is needed for the faithful and prompt discharge of the duties of any county office, and to fix the salary of such deputies appointed in excess of the maximum allowed by law; provided, such salary shall not exceed the maximum salary of deputies provided by law.

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1907.

CHAPTER 179.

"An Act to amend Section 353 of the Penal Code of the State of Montana, relating to verdicts and judgments in cases of murder."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Penal Code, Section 353 amended.

That Section 353 of the Penal Code of the State of Montana be amended so as to read as follows:

Penalty for murder in the first degree.

Section 353. Every person guilty of murder in the first degree shall suffer death, or shall, in the discre-

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tion of the jury, or of the court, if the punishment be left to the court, be imprisoned in the state prison for the term of his natural life; and every person guilty of murder in the second degree is punishable by imprisonment in the state prison not less than ten years.

Penalty for murder in the second degree.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3.

This Act shall be in effect from and after its passage.

When Act takes effect.

Approved March 9, 1907.

CHAPTER 180.

"An Act to Provide for the Admission of Mutual Hail, Cyclone and Tornado Insurance Companies or Associations Organized Under the Laws of Another State."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That all mutual hail, cyclone and tornado insurance companies or associations organized under the laws of another state and transacting business in this state shall be required to comply with the provisions of the laws governing fire and miscellaneous insurance corporations doing business in this state, provided that such companies shall be possessed of assets in excess of all liabilities of an amount equal to at least fifty thousand dollars.

Certain foreign insurance companies, to comply with laws governing domestic corporations.

Proviso.

Section 2.

That any company transacting business in this state upon the plan herein mentioned shall be granted ninety days from and after the approval and passage of this Act within which to comply with the requirements herein set forth.

To comply within ninety days.

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Section 3.

Repealing clause.

All acts and parts of acts in conflict herewith are hereby repealed.

Section 4.

When Act takes effect.

This act shall be in full force and effect on and after its approval by the Governor.

Approved March 9, 1907.

CHAPTER 181.

"An Act to amend Section 1 of an Act entitled 'An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana; approved March 9, 1901; and to add sub. division 7 to said Section 1, providing for the filing of alterations and amendments to the Charter or Articles of Incorporation of Foreign Corporations, and for the filing of certificates of increase, of capital stock or continuance of corporate existence, and for the payment of fees therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Act of March 9, 1901, Section 1 amended.

That Section 1 of an Act entitled "An Act to provide the conditions upon which foreign corporations may do business in this State and to repeal Sections 1030 to 1038 inclusive of the Civil Code of Montana," approved March 9, 1901, be and the same is hereby amended so as to read as follows:

Foreign corporations to file copy of charter, also a statement.

Section 1. All Foreign corporations or joint stock companies, except foreign insurance companies and corporations otherwise provided for, organized under the laws of any State, or of the United States, or of any foreign government, shall, before doing business within this State, file in the office of the Secretary of State, and in the office of the County Clerk of the county

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wherein they intend to carry on business, a duly authenticated copy of their charter, or articles of incorporations, and also a statement, verified by the oath of the President and Secretary of such corporation, and attested by a majority of its Board of Directors showing;

What statement must show.

1. The name of such corporation and the location of its principal office or place of business without this State; and the location of the place of business or principal office within this State.

2. The amount of capital stock.

3. The amount of its capital stock actually paid in, in money.

4. The amount of its capital stock paid in, in any other way, and in what.

5. The amount of the assets of the corporation and of what the assets consist, with the actual cash value thereof.

6. The liabilities of such corporation, and if any of its indebtedness is secured, how secured, and upon what property. Such corporation or joint stock company shall also file, at the same time, and in the same office, a certificate, under the seal of the corporation, and the signature of its President, Vice-President, or other acting head, and its Secretary, if there be one, certifying that the said corporation has consented to be sued in the courts of this State, upon all causes of action arising against it in this State, and that service of process may be made upon some person, a citizen of this State, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent shall be valid service on the corporation or company, and such agent shall reside at the principal place of business of such corporation or company.

Amendment of charter or increase of capital stock.

7. In case of alteration or amendment of the charter or articles of incorporation of any foreign corporation doing business in this State, or of increasing its capital

stock, or of continuing its corporate existence, it must within thirty days after the same is adopted by the corporation file a duly authenticated copy of such amendment or alteration or certificate of increase of capital stock, or of continuance of corporate existence in the office of the Secretary of State and in the office of the County Clerk of the County where it intends to carry on business; and whenever any such corporation increases its capital stock or continues its corporate existence, it shall pay to the Secretary of State at the time of filing in his office the duly authenticated copy of the certificate thereof, the same fee that is required by law from domestic corporations for filing certificates of increase of capital stock or certificates of corporate existence. Any such corporation failing, neglecting or refusing to file such duly authenticated copies of all alterations, or amendments, of its charter or articles of incorporation, and of all certificates of increase of capital stock or continuance of corporate existence, shall forfeit its right to do business in this State and shall be subject to all the penalties, liabilities and restrictions imposed by law upon foreign corporations for doing business in this State without filing duly authenticated copies of their charters, or articles of incorporation, in the manner required by law; provided, however, that any foreign corporation now doing business in this State and which has altered or amended its charter or articles of incorporation or increased its capital stock, or continued its corporate existence since first filing a duly authenticated copy of its charter or articles of incorporation with the Secretary of State, and which has not already filed a duly authenticated copy of such alterations, amendments, or certificates of increase or continuance, must within ninety days from and after the passage and approval of this Act comply herewith.

To file copy, or certificate.

Fee for filing.

Failure to file.

Penalty.

Proviso.

Section 2.

All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3.

This Act shall be in full force and effect from and after its passage and approval. When Act takes effect.

Approved March 9, 1907.

CHAPTER 182.

"An Act to require Railroad, Telegraph and Express companies, doing business in the State of Montana, to permit the installation of telephones in their offices and to answer calls made over such telephone connection during business hours, and to provide a penalty for, the violation of the provisions of this Act."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

It is hereby made the duty of every railroad, telegraph and express company, doing business in the State of Montana, to install or allow to be installed in its ticket office, public office and freight office, in all cities and towns in this state, where they are, at the time, one or more public telephone exchanges, a telephone of each public telephone exchange in said city or town and to maintain in each of said offices, direct telephone connection with each of such exchanges; but nothing herein contained shall be construed to require said railroads, telegraph or express company to build a telephone line, it being intended to require such company or companies to install or allow to be installed, a telephone in each of its offices where it can be obtained by them as they may be obtained for other business offices in the same vicinity; each railroad, telegraph and express company shall cause

Telephones must be maintained in offices of railroad, telegraph and express companies.

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To answer all calls during business hours.

to be promptly answered, all calls made over such telephone connection during business hours, provided,

Proviso.

however, that such Railroad, Telegraph and Express Companies shall not, in the absence of an agreement to that effect, be required to bear the expense incidental to the installation of said telephones, or to any charges for the use thereof. Over such telephone connection, such railroad, telegraph or express company shall cause prompt and correct replies to be made to all reasonable and proper inquiries over such connection during business hours, concerning the passenger, freight or telegraph service of such railroad, telegraph or express company.

Section 2.

"Business hours," defined.

The term "business hours" as used in this Act shall be construed to mean such times as the office or depot of such railroad, telegraph or express company may be open, with an officer or agent of such railroad, telegraph or express company in charge for the transacting of business.

Section 3.

Failure to comply.

Any railroad, telegraph or express company failing or refusing to comply with the provisions of this Act

Misdemeanor.

after its passage and approval by the Governor, shall be deemed guilty of a misdemeanor.

Approved March 9, 1907.

CHAPTER 183.

"An Act authorizing the State Board of Stock Commissioners to collect for Live Stock killed by the operation of Railroads within this State where the owner has not asserted or presented claim therefor to the Railroad Company."

Be it Enacted by the Legislative Assembly of the State of Montana:

Claims for live stock killed by railroad.

Section 1.

That where live stock are killed by railroad cor-

porations in violation of Section 950 of the Civil Code, as amended by Chapter 29 Laws of 1905, in the event the owner of any such live stock shall not claim or assert claim against any such railroad or railroad corporation for the value of the live stock so killed within six months from the date they are killed, the Secretary of the State Board of Stock Commissioners is hereby authorized to demand and receive from such railroad or railroad company payment in damages for such live stock, and the said Board of Stock Commissioners are hereby authorized and empowered to prosecute in the name of the State, actions against such railroad or railroad companies in any court of competent jurisdiction to recover such damages in the event of the failure, neglect or refusal of such railroad or railroad companies to make payment of the amount of the claim upon demand as herein provided. The money so recovered shall be paid over to the Secretary of the State Board of Stock Commissioners and shall be by him placed and held in a separate fund and disposed of as herein provided. Such money shall be held by the Secretary of the State Board of Stock Commissioners for a period of two years after the date of its receipt, and in the event that the lawful owner of the animal killed does not present and prove his claim to the net proceeds received from the animal killed within said time the same shall be paid over to the State Treasurer of the State of Montana, and be by him placed to the credit of the Stock Indemnity Fund. However, should the owner of the animal killed present and prove his claim within the time herein provided, the Secretary of the State Board of Stock Commissioners, or said Board, are hereby authorized and empowered to pay such claimant the amount of money to which he is entitled for the animal or animals so killed by any railroad or railroad company, the damages for which have been collected by the said Board of Stock Commissioners or the Secretary thereof, as provided in this Act.

May be recovered by Secretary of State Board of Stock Commissioners.

Disposition of money recovered.

Costs of action.

In all actions prosecuted for the recovery of the value of live stock killed under the provisions of this Act the plaintiff shall recover all costs. In the event the owner of any animal or animals killed has not presented his claim against the railroad or railroad company which caused the same to be killed, any settlement made or obtained by the State Board of Stock Commissioners or the Secretary thereof shall constitute a bar as against any action by the owner of such animal or animals.

Section II.

When Act takes effect.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1907.

CHAPTER 184.

"An Act concerning the Jurisdiction of District Courts and to Amend Section 39 of the Code of Civil Procedure of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Code of Civil Procedure, Section 39 amended.

That Section 39 of the Code of Civil Procedure of the State of Montana, be and is hereby amended to read as follows:

District Court terms.

Section 39. Adjournments from day to day, or from time to time, are to be construed as recesses in the session or term and shall not prevent the court from sitting at any time. In districts where two or more counties are united court may be held, causes tried, with or without a jury, and business transacted in any county from the beginning of the term to the beginning of the next term in the same county, notwithstanding the time or term fixed for holding said district court in another county in the same district, to the same extent and effect and with like power as if there were no

Recesses.

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other term of court held or fixed in such other county.

The judge of such district may hold court in one county of such district, try causes with or without a jury and transact business, while at the same time court may be held, causes tried with or without a jury and business transacted in any other county of such district by any other district judge of the state when requested or assigned thereto as provided by Section 36 of the Code of Civil Procedure. Same

Section 2.

This Act shall take effect and be in full force from and after its passage and approval. When Act takes effect.

Approved March 9, 1907.

CHAPTER 185.

"An Act to regulate the appropriation of water in streams in which the rights therein have been adjudicated."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

All water hereafter appropriated by any person, association, company, or corporation after the passage of this Act, from any stream, creek, spring, canyon, river or ravine in this State, in which the water rights therein have been adjudicated and decreed prior to the passage of this Act, and a decree of a Court of Competent Jurisdiction entered therein, shall be subject to such decree. Water rights, adjudicated stream, subsequent appropriations subject to decrees.

Section 2.

In all streams, creeks, springs, canyons, rivers and ravines, in which the water rights therein have not been adjudicated by a Court of Competent Jurisdiction, water shall be appropriated in the same manner as provided by law, at the time of the passage of this Act. Non-adjudicated stream.

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Section 3.

Appropriations pending suit.

At such time as there may be legal proceedings instituted by the owner or owners of any water right or water rights in any stream, spring, creek, canyon, river or ravine, before any Court of Competent Jurisdiction, all subsequent appropriations made in any such streams, creeks, springs, canyons, rivers or ravines will be subject to such suit as may be instituted and shall not date prior to the date of the beginning of said suit, and will be subject to the rulings and decisions thereunder.

Section 4.

Adjudicated stream, notice of appropriation.

Any person desiring to appropriate water in any stream, creek, canyon, river or ravine, wherein the rights of water therein have been adjudicated and decreed, shall post a notice in writing in a conspicuous place at the point of the intended diversion, stating therein:

1. The flow claimed, expressed in cubic feet per second.

2. The purpose for which said water is claimed, and the place of intended use.

3. The name of the stream, creek, spring, canyon, river, or ravine.

4. The name of the appropriator or appropriators.

5. The date of posting said notice.

The work in the construction and completion of the means of diverting and conveying water to place of use, shall be prosecuted with reasonable diligence, otherwise no rights shall be acquired by such appropriator, and no appropriator shall acquire any rights to water in excess of the carrying capacity of the ditch or means of conveying water, nor in excess of the amount actually needed by the appropriator for some useful and beneficial purpose.

Section 5.

Must file application with clerk of court.

Within forty days from the date of the completion of the works of irrigation, the appropriator shall file

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with the Clerk of the District Court in the County in which said water is to be appropriated, an application in writing to have such ditch measured and the capacity determined, as herein provided.

Such application shall contain the sworn statement of the appropriator, in which is given the name of the stream from which said water is to be appropriated, the amount of water to be diverted, the intended point of diversion, the intended use of such water and the place of intended use, and the name of the appropriator.

Duty of clerk.

The Clerk of the District Court upon receipt of such application, duly executed and presented by the applicant or his attorney shall enter the same upon the Court records of said County, and thereupon issue an order directing a competent civil engineer to proceed to measure and determine the capacity of said ditch (expressed in flow of cubic feet per second) definitely locate the exact point of the diversion by a course and distance to some established corner of the public surveys, or if there be no such corner within two miles of said ditch, then a connecting line shall be run to some suitable permanent object or monument that will not be destroyed or defaced, and to report the results of such measurements and surveys, together with a plat, in duplicate, on which shall be shown the location of said point of diversion, together with the connecting line, to the corner of the public surveys or monument the size and capacity of the ditch and headgate, the date of the notice of appropriation, the date of the survey, the name of the stream, the name of the appropriator or appropriators, the purpose and place of intended use, and in case the use be for irrigation, the plat must show the location and area of land to be irrigated thereby, and make such returns to the Clerk of the Court within thirty (30) days from the receipt of said order.

Publication of notice.

The Clerk shall thereupon cause to be published, in the newspaper published nearest the point of diversion

once a week in three successive issues of said paper, a notice giving the name of the appropriator, amount of appropriation, and name of stream from which the water is appropriated. Any person or persons interested in the waters of said stream may, on or before the last day of publication, file with the Clerk, written objections to such appropriation.

Section 6.

Orders of court.

The Clerk of the District Court, immediately after the expiration of the period of publication, the receipt of the report and plat of the surveyor, and proof of publication of notice, shall file the same, and on the first day of a regular or special term of court thereafter, shall present all papers to the court for consideration. If no objections are filed, the court shall enter an order allowing said appropriation. If objections are made, the court shall fix a day for hearing, and on such hearing witnesses may testify, and the court after hearing may make any order deemed proper in the premises.

Section 7.

Deposit of fees.

The appropriator shall, at the time of filing his application with the Clerk of the District Court, make a deposit with said Clerk, in a sum sufficient to cover all expense for the legal fees for filing any action, together with stenographer's fees, and fees for filing and recording all decrees and other papers in the matter, and the cost of the survey, not to exceed ten dollars per day, and necessary traveling expenses, and five dollars for each plat filed, said sum to be fixed and estimate made by the Clerk of the District Court, and residue remaining in the possession of said Clerk, when all fees and costs are paid shall be returned to the applicant; should there not be sufficient money deposited to meet all fees and expenses, said water right shall be of no force and effect, until the same have been paid.

Section 8.

Payment of engineer.

The Clerk of the District Court, shall upon receipt

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of any report made in conformity with the provisions of this Act, and duly certified to by a civil engineer, pay to him out of the moneys deposited with him for said purpose, a sum not to exceed ten dollars per day and necessary traveling expenses, and five dollars for each plat made and filed, upon the civil engineer presenting the proper bill, duly sworn to, for said expenses. A receipt of any such payment shall be given to the Clerk.

Section 9.

Record of surveys.

The Clerk of the District Court shall keep in his office a suitable bound book, in which shall be kept an accurate record of all surveys and reports made in accordance with this Act.

Section 10.

Statutory measurement.

Where water rights have been decreed in statutory or miners inch measurement, the measurement shall be in cubic feet per second, and one hundred miners or statutory inches shall be equivalent to a flow of two and one half cubic feet per second, and this proportion shall be observed in determining the equivalent flow of any number of miners or statutory inches.

Section 11.

Penalty.

A failure to comply with the provisions of this Act deprives the appropriator of the right to such decree, as against a subsequent claimant who complies herewith.

Section 12.

Effect of decree

Any person or persons appropriating water under the provisions of this Act, shall be subject to, bound by, and shall comply with any decree of court adjudicating the waters of such stream, or any stream of which the same may be a tributary or feeder, as fully and to the same extent as if said person or persons were original parties to the action wherein the said decree is made and entered, and any water commissioner or commissioners, appointed by the Court to distribute waters under any decree shall have jurisdic-

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tion over, and shall distribute any waters appropriated under the provisions of this Act, according to priority.

Section 13.

Penalty.

A failure to comply with the provisions of this Act, deprives the appropriator of the right to use any water of such stream, as against any subsequent appropriator complying herewith, and as against any prior appropriator mentioned in or bound by a decree of court.

Section 14.

Repealing clause.

All Acts and parts of Acts in conflict with any provisions of this Act are hereby repealed.

Section 15.

When act takes effect.

This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 9, 1907.

CHAPTER 186.

"An Act to amend Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to district courts."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Code of Civil Procedure, Section 1763, amended.

That Section 1763 of Chapter II, Title XIII, Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to district courts, be, and the same is hereby amended so as to read as follows:

"Section 1763.

Appeal from Justice Court.

An Appeal from a justice's or police court is not effectual for any purpose unless an undertaking be filed, with two or more sureties, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or twice the value of the property, including costs, when the

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judgment is for the recovery of specific personal property, and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the district court. When the action is for the recovery of specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the district court, and will obey any order made by the court therein. When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the district court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the district court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking. A deposit of the amount of the judgment, including all costs appealed from, or of the value of the property, including all costs in actions for the recovery of specific personal property, with the justice or judge, is equivalent to the filing of the undertaking and in such cases, the justice or judge must trans-

Undertaking.

Deposit in lieu of undertaking.

mit the money to the clerk of the district court, to be by him paid out on the order of the court. The adverse party may except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before the justice or a judge of the district court of the county in which such action has been tried, within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given."

Section 2.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in force and effect from and after its passage and approval.

Approved March 9, 1907.

CHAPTER 187.

"An Act to amend Section 4756 of the Political Code, relating to officers of elections, places of voting and election districts, and election matters in municipal corporations."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Political Code, Section 4756, amended.

That Section 4756 of the Political Code be, and the same is hereby, amended so as to read as follows:

City council to appoint election officers and voting places.

Section 4756. The council must appoint judges and clerks of election and places of voting. There must be at least one place of voting in each ward, and there may be as many more as the council by ordinance shall fix, and the elector must vote in the ward in which he resides.

Election precincts, number of.

The election precincts in a city or town must correspond with wards, but a ward may be subdivided into several voting precincts, and when so

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divided the elector shall vote in the voting precinct in which he resides, and all elections must be conducted according to the general laws of the state.

Section 2.

When Act takes effect.

This Act shall take effect and be in full force from and after its passage.

Approved March 9, 1907.

CHAPTER 188.

"An Act to provide for the sale of all lands acquired by the State of Montana, under and by virtue of the provisions of Chapter 118, Session Laws of 1903."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Sale of State lands.

The State Board of Land Commissioners is hereby empowered to sell and dispose of all lands acquired under and by virtue of the provisions of Chapter 118, Session Laws of 1903, upon the same terms and conditions as provided by law for the sale and disposition of all other state lands.

Section 2.

Repealing clause.

All acts and parts of Acts in conflict herewith are hereby repealed.

Section 3.

When Act takes effect.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 9, 1907.

CHAPTER 189.

"An Act to establish a Sub-experimental Station in Fergus County, Montana, and providing for the acquisition or acceptance of title to the land for the same and the direction thereof, and appropriating money therefor."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Sub-experimental station, established and located in Fergus County.

That there is hereby established, to be located in Fergus County, Montana, on such land as may be donated to the State of Montana and accepted by the Governor and Secretary of State as suitable for the purpose, a Sub-station of the Agricultural Experimental Station provided for in Section 7 of an Act of the Legislative Assembly of the State of Montana, entitled "An Act providing for the location and establishment of the Agricultural College of the State of Montana, and an Agricultural Experimental Station in connection therewith, enumerating its objects and purposes, dedicating lands for the use of the same, providing for the government and control thereof, and accepting and adopting the provisions, donations and benefits contained in the Acts of Congress relating thereto." approved February 16, 1893. Said Sub-station shall be under the direction of the Experimental Station of the Agricultural College of the State of Montana.

Section 2.

Acceptance of donations of land authorized.

The Governor and Secretary of State are hereby authorized to accept on behalf of the State, donation or donations of land for such purposes, provided such land be conveyed to the state in fee simple, and be free of all encumbrances and the title to the same be good.

Section 3.

Appropriation.

There is hereby appropriated for the support and maintenance of said Sub-station, the sum of Two Thousand (2000) dollars, one-half of which shall be available in the year 1907 and one-half in 1908, and payable to said Agricultural College out of any money in the State Treasury not otherwise appropriated.

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Section 4.

The said College is authorized to receive donations of money, implements, building materials, animals and supplies for the use of said Sub-station. Acceptance of donations authorized.

Section 5.

This Act will take effect and be in force from and after its passage and approval. When Act takes effect.

CHAPTER 190.

"An Act Relating to Banks and Banking Corporations and to Trust Deposit and Security and Savings Bank Corporations and Repealing Section 4061 of the Political Code of Montana Relating to Licenses."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That all duties now required to be performed by, and all responsibilities now imposed upon the State Auditor, under the laws regulating the business of banking, shall hereafter be performed by the State Examiner, under title of State Bank Examiner and all reports and papers now on file in the State Auditor's office pertaining to banks are hereby transferred to the custody of the State Examiner. All duties, reports and papers pertaining to affairs of business of banking transferred from State Auditor to State Examiner.

State Bank Examiner.

Section 2.

Every bank shall keep on hand at all times at least fifteen per cent of its total deposits, of which such portion as the Board of Directors may determine, may be on deposit in banks in cities of the first and second class approved by the State Examiner as reserve banks, except in the case of banks which shall be approved by the State Examiner as reverse [reserve?] banks, which banks shall at all times keep on hand at least twenty-five per cent of their total deposits in lawful money or on deposit in banks subject to the approval of the State Examiner as reverse [reserve?] banks. Reserve, amount to be kept on hand.

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Section 3.

Loans.

The total liabilities of any person, co-partnership or corporation, to any bank, for money borrowed, including in the liabilities of a co-partnership, the liabilities of the several members thereof, shall at no time exceed twenty per cent of the amount of capital, surplus of such bank; but the discounting of bills of exchange drawn in good faith against actually existing values, and discounting of commercial paper or business paper actually owned by the person negotiating the same and loans made on warehouse receipts and bills of lading representing, actual value, shall not be considered as money borrowed.

Discounting bills of exchange or commercial paper, not considered loans.

Section 4.

Liability of stockholders.

The stockholders of every corporation formed under this Chapter, or which may avail itself of its provisions, shall be severally and individually liable, equally and ratably, and not one for the other, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Section 5.

Taxation of banks.

All real estate owned by any bank shall be taxed to the bank as other real estate is taxed in the county where the real estate is situated and the residue of its property being shares of stock in said bank shall be reduced to a cash value and assessed and taxed to the individual shareholder in the identical manner that other personal property is assessed in Montana, having in view that the assessment thereof for taxation shall not be at a greater proportion to face value than is the assessment upon other classes of personal property.

Section 6.

Violation

Whenever under the provisions of this law or of any law now in existence relating to banks it is unlawful to do or not to do anything, and the penalty

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is not prescribed, then such act shall be a misdemeanor and be punished as provided by law. Misdemeanor.

Section 7.

The provisions of this Act shall apply only to banking corporations organized under the laws of this State. Apply only to domestic corporations.

Section 8.

That Section 4061 of the Political Code of Montana relating to licenses and all Acts and parts of Acts in conflict herewith are hereby repealed. Political Code, Section 4061, repealed.

Section 9.

This Act shall be in full force and take effect from and after its passage and approval. When act takes effect.

Approved March 9, 1907.

CHAPTER 191.

"An Act prohibiting the publication in newspapers, other papers, or otherwise, of offensive, improper and obscene advertising or other matter, and providing for prosecutions and penalties."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

No newspaper or other paper published or circulated in whole or in part within the State of Montana shall contain: Publication by newspapers of certain class of advertisements prohibited.

Advertisements of cures, appliances or treatments for certain diseases or disorders, to-wit: Stricture, syphilis, impotency, gonorrhoea, emissions, and so called "lost manhood," and other private diseases of men and women, and their complications.

Section 2.

It is hereby made unlawful to distribute any circulars, dodgers or advertising matter whatsoever advertising remedies for the cure of any of the diseases mentioned in Section 1 of this act. Distribution of circulars.

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Section 3.

Violations. The person advertising, as well as the proprietor, editor, or any person in charge of any newspaper or printing establishment, violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail for not more than six months.

Misdemeanor. Penalty.

Section 4.

Misdemeanor. Any person publishing, distributing, or causing to be distributed or circulated, any of the advertising matter hereinabove prohibited shall be guilty of a misdemeanor and punished as prescribed in Section 3 of this Act.

Section 5.

Production of advertisement prima facie evidence. The production of any advertisement or advertising matter published or distributed contrary to the provisions of this Act shall be, of itself, prima facie evidence of the guilt of the person or persons advertising to cure any such disease hereinabove mentioned, or of the publishers who publish any matter such as is herein prohibited.

Section 6.

Repealing clause. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7.

When Act takes effect. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 9, 1907.

CHAPTER 192.

"An Act to Amend Section 1000 of the Civil Code of the State of Montana, as amended by an Act of the Ninth Legislative Assembly of Montana, Approved March 2d, 1905."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That section 1000 of the Civil Code of the State of Montana, as amended by an act of the Ninth Legislative Assembly of Montana, approved March 2d, 1905, be and the same is hereby amended so as to read as follows:

Civil Code, amended Section 1000, amended.

Section 1000.

A telegraph, telephone, electric light, or electric power line, corporation, or a person owning or operating such, is hereby authorized to install its respective plants and appliances necessary for service, and to supply and distribute electricity for lighting, heating, power and other purposes; and to that end, to construct such telegraph, telephone, electric light, or electric-power line or power lines, from point to point, along and upon any of the public roads, streets and highways in the state of Montana, by the erection of necessary fixtures, including posts, piers and abutments necessary for the wires. But the same shall be so constructed as not to incommode or endanger the public in the use of said roads streets or highways; and nothing herein shall be so construed as to restrict the powers of city or town councils.

Right of way for pole lines along streets, roads and highways.

Not to restrict powers of city councils.

Section II.

This Act shall take effect and be in force from and after its passage and approval.

When act takes effect.

Approved March 7, 1907.

CHAPTER 193.

"An Act Concerning Bonds, Recognizances, and Written Undertakings entered into or taken by an Officer."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

No Official Bond entered into by any officer, nor any

Defects in official bonds not to invalidate.

Bond, recognizance, or written undertaking taken by any officer in the discharge of the duties of his office, shall be void for want of form or substance or recital or condition, nor the principal or surety be discharged, but the principal and surety shall be bound by such bond, recognizance, or written undertaking to the full extent contemplated by the law requiring the same, and the sureties to the amount specified in the bond or recognizance or written undertaking. In all actions on a defective bond, recognizance, or written undertaking, the plaintiff or relator may suggest the defect in his complaint and recover to the same extent as if such bond, recognizance, or written undertaking were perfect in all respects.

Actions on defective bonds.

Approved March 9, 1907.

CHAPTER 194.

"An Act providing for the disposition of moneys received from the sale of Estrays."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Unclaimed money in estray fund to be paid into the Stock Inspection Fund.

That all unclaimed money which is now in the hands of the State Board of Stock Commissioners or the State Stock Association, or in the possession of any other person or persons or the Secretary or Treasurer of either said Board or association, received from the sale of estray cattle or horses shall be fully accounted for and paid over to the State Treasurer of the State of Montana, and placed to the credit of the Stock Inspection and Detective Fund, within thirty days after the passage and approval of this Act. The State Examiner is hereby directed to investigate the books of account of either said board, association, or its officers, respecting said estray fund. for the purpose of determining whether said moneys

State Examiner to investigate and report upon estray fund.

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have in the past been properly accounted for and used, and after such examination he shall make full and complete report with reference thereto to the Governor.

Section 2.

Money from sale of estrays to be accounted for.

All money hereafter derived from the sale of estrays shall be fully accounted for by tne Secretary of the State Board of Stock Commissioners, and paid and turned into the State Treasury of the State of Montana, as herein provided.

Section 3.

Disposition of money from sale of estrays and duties of the secretary of Board of Stock Commissioners therein.

The proceeds of all stray cattle or horses sold, either within or without the state, shall be transmitted to the Secretary of the State Board of Stock Commissioners, who shall keep a record of the brands and other marks of identification of the animal, together with a statement of the net proceeds derived from the sale, and such proceeds shall be paid and turned over by said Secretary to the owner of the recorded brand on the animal, without delay. Where the brand is not recorded or is blotched or dim the proceeds derived from the sale shall likewise be paid to the owner in the event that he shall first present to the State Board of Stock Commissioners satisfactory evidence of his ownership of the animal or animals sold. A full description of the estrays for which the proceeds derived from their sale remains in the hands of the Secretary of the State Board of Stock Commissioners unclaimed, shall be published for the period of four consecutive issues next after May 1st of each year in four newspapers, one of which shall be published in the City of Helena and the others in the Cities of Billings, Miles City and Fort Benton, Montana; and when such publication shall have been made, and the proceeds from the sale of such animals shall have remained in the hands of the said Secretary of the State Board of Stock Commissioners for a period of two years, it shall be paid over to the State

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Treasurer of the State of Montana, and be by him placed to the credit of the Stock Inspection and Detective Fund.

Interest on money from sale of estrays and upon fees for recording marks and brands to be accounted for.

All interest on such moneys and upon moneys collected as fees for recording marks and brands shall be by the Secretary of the State Board of Stock Commissioners duly accounted for and paid over to the State Treasurer of the State of Montana, as herein provided to be done with the principal funds in his hands.

Section 4.

Repealing clause.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5.

When act takes effect.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1907.

CHAPTER 195.

"An Act to Prescribe the Hours of Labor for Prison Guards employed at the State Prison, and Providing Penalties for the Violation thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

Prison Guards, eight hours to constitute a day's work.

A period of eight hours in each period of twenty-four consecutive hours shall constitute a day's work for all prison guards employed in and about the State Prison; except in cases of insurrection, revolt or escape of the prisoners confined therein, or of other emergencies endangering health, life or property.

Exception.

Section 2.

Violations of this act.

Every officer, warden or contractor for the care and maintenance of the convicts of the State Prison, who has charge of or employs the prison guards for such State Prison, who violates any of the provisions of

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Section One of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. Misdemeanor. Penalty.

Section 3.

All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4.

This act shall be in full force and effect from and after its passage and approval, providing that it shall in no manner effect [affect?] or modify any existing contract. When act takes effect. Proviso.

Approved March 18, 1907.

HOUSE BILL NO. 409.

"An Act making appropriations for the Executive and Judicial Departments of the State Government for two years, namely, from February 28, 1907 to February 28, 1908; and from February 28, 1908 to February 28, 1909."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects hereinafter expressed, for the period ending February 28, 1908.

Executive Department.

Office of Governor.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Secretary, Two Thousand Four Hundred Dollars.

For salary of Governor's Stenographer, One Thousand Two Hundred Dollars.

For the Governor's office expense, Five Hundred Dollars.

For requisition, One Thousand Dollars.

For rewards, One Thousand Dollars.

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Office of Secretary of State.

For salary of Secretary of State, Three Thousand Dollars.

For salary of the Deputy Secretary of State, One Thousand Eight Hundred Dollars.

For salary of Stenographer of the Secretary of State, One Thousand Five Hundred Dollars.

For extra clerical hire Secretary of State, Four Hundred and Fifty Dollars.

For indexing the Laws extra clerical hire, One Hundred and Fifty Dollars.

For postage and expressage for forwarding Session Laws and Journals, Two Hundred Dollars.

For office expense of the Secretary of State, Seven Hundred Dollars.

For Filing Cabinet, Two Hundred and Five Dollars.

Office of State Treasurer.

For salary of the State Treasurer, Three Thousand Dollars.

For salary of Deputy State Treasurer, Two Thousand, One Hundred Dollars.

For salary of a clerk to the State Treasurer, One Thousand, Eight Hundred Dollars.

For office expense of the State Treasurer, Six Hundred and Fifty Dollars.

For expense of bond for State Treasurer One Thousand Five Hundred Dollars.

Office of State Auditor.

For salary of State Auditor, Three Thousand Dollars.

For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars.

For salary of Insurance Clerk to State Auditor, One Thousand Five Hundred Dollars.

For salary of Stenographer to State Auditor, One Thousand Two Hundred Dollars.

For salary of Bookkeeper to State Auditor, One Thousand Two Hundred Dollars.

For office and traveling expense of State Auditor, Seven Hundred Dollars.

Office of Attorney General.

For salary of Attorney General, Three Thousand Dollars.

For salary of First Assistant Attorney General, Two Thousand Five Hundred Dollars.

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For salary of Second Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Third Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Stenographer, Attorney General, One Thousand Eight Hundred Dollars.

For salary of Clerk of Attorney General, One Thousand Two Hundred Dollars.

For office and traveling expense and extra clerical hire of Attorney General, One Thousand Two Hundred Dollars.

Office of Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction, Two Thousand and Five Hundred Dollars.

For salary of Deputy Superintendent of Public Instruction, One Thousand Eight Hundred Dollars.

For salary of Stenographer to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For office and traveling expenses of Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

Office of State Examiner.

For salary of State Examiner, Two Thousand Five Hundred Dollars.

For salary of Assistant State Examiner, Two Thousand One Hundred Dollars.

For salary of Second Assistant to State Examiner, One Thousand Two Hundred Dollars.

For office expense of State Examiner, Two Thousand Five Hundred Dollars.

For expense National Convention of State Examiners, Seventy-five dollars.

For Deputy State Examiner, One Thousand Two Hundred Dollars.

Office of State Veterinarian.

For salary of State Veterinarian, Two Thousand Five Hundred Dollars.

For salary of Deputy State Veterinarian One Thousand Five Hundred Dollars.

For office and traveling expenses of State Veterinary Surgeon, One Thousand Eight Hundred Dollars.

For Clerk's salary office of Veterinarian, One Thousand Two Hundred Dollars.

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For traveling expense of Deputy State Veterinarian, One Thousand Two Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

For salary of the Commissioner, Two Thousand Five Hundred Dollars.

For salary of Chief Clerk, One Thousand Eight Hundred Dollars.

For office and traveling expense, Two Thousand Five Hundred Dollars.

State Boiler Inspector.

For salary of State Boiler Inspector, Two Thousand Four Hundred Dollars.

For salary of Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary of Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For office and traveling expense of the State Boiler Inspector, Four Thousand Dollars.

For Clerk State Boiler Inspector's office One Thousand Five Hundred Dollars.

Office of State Mine Inspector.

For salary of State Mine Inspector, Two Thousand Five Hundred Dollars.

For salary of Assistant State Mine Inspector, One Thousand, Eight Hundred Dollars.

For office and traveling expenses of State Mine Inspector, Two Thousand Dollars.

For salary of State Coal Mine Inspector, Two Thousand Five Hundred Dollars.

For office and traveling expenses, One Thousand Five Hundred Dollars.

Office of Adjutant General.

For salary of the Adjutant General, of the State of Montana, One Thousand Two Hundred Dollars.

Office and traveling expenses, Six Hundred Dollars.

National Guard.

For the maintenance of the National Guard, Five Thousand Dollars.

State Board of Education.

For expense of the State Board of Education, Eight Hundred Dollars.

Farmers Institute.

Expense, Seven Thousand Five Hundred Dollars.

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State Historical Library.

Salary of Librarian, One Thousand Eight Hundred Dollars.

Salary of First Assistant, One Thousand Two Hundred Dollars.

Salary of Second Assistant, Nine Hundred Dollars,

Expense, Three Thousand Dollars.

For salary of the Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners, and Board of Commissioners of the Insane, One Thousand Eight Hundred Dollars.

For the expense of Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners and Board of Commissioners,—Three Hundred Dollars.

For extra clerical hire for same, Two Hundred Dollars.

State Law Library.

For salary of Librarian of the State Law Library, Two Thousand Dollars.

For maintenance and expense of the State Law Library, Seven Hundred Dollars.

For books for the State Law Library, One Thousand Five Hundred Dollars.

Horticulturists Office.

For salary of the Secretary of the State Board of Horticulture, One Thousand Dollars.

For expenses, Four Thousand Dollars.

For salary clerk of the State Board of Examiners, One Thousand Eight Hundred Dollars.

For office expenses of the State Board of Examiners, One Hundred and Fifty Dollars.

For salary of the Secretary of the State Board of Health, Three Thousand Dollars.

For the office and traveling expenses of the State Board of Health, Three Thousand Dollars.

For the expenses of the State Board of Charities and Reform, Three Hundred Dollars.

For salary of the Secretary of the Bureau of Child and Animal Protection, One Thousand Eight Hundred Dollars.

For expenses of the Secretary of the Bureau of Child and Animal Protection, One Thousand Eight Hundred Dollars.

For salary of two Deputy Secretaries of the Bureau of Child and Animal Protection, Three Thousand Dollars.

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For Clerk to Secretary of Bureau of Child and Animal Protection, Six Hundred Dollars.

For Public Printing, Twenty Thousand Dollars.

For maintenance and care of the Capitol Building and Grounds, Twenty-one Thousand Dollars.

For expenses of the State Entomologist, Five Hundred Dollars.

For salary of the State Engineer, Two Thousand Five Hundred Dollars.

Field & Office expenses, State Engineer, One Thousand Dollars.

For salary for Secretary of State Fair, One Thousand Two Hundred Dollars.

Transportation of Prisoners.

For Sheriffs' Transportation of prisoners to the Penitentiary, Five Thousand Dollars.

Judicial Department.

For the Year ending February 28, 1908.

For the salary of Three Justices of the Supreme Court, Twelve Thousand Dollars.

For the salary of the Clerk of the Supreme Court, Two Thousand Dollars.

For the salary of the Stenographer of the Supreme Court, One Thousand Eight Hundred Dollars.

For Compensation of the Justices of the Supreme Court for services in reporting decisions, Four Thousand Five Hundred Dollars.

For salary of the Marshal of the Supreme Court, One Thousand Two Hundred Dollars.

For salary of the Attendant of the Justices of the Supreme Court, One Thousand Two Hundred Dollars.

For the Expenses of the Clerk of the Supreme Court, Five Hundred Dollars.

For the salary of District Judges, Fifty-nine Thousand Five Hundred Dollars.

For the salary of County Attorneys, Twenty-Three Thousand, Five Hundred Dollars.

For Printing Montana Reports, One Thousand Eight Hundred Dollars.

For Fees and Expenses before Court not otherwise provided for, Five Hundred Dollars.

For Expenses of Judges sitting in place of other Judges, One Thousand Dollars.

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Section 2.

That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects hereinafter expressed for the period beginning February 28, 1907, and ending February 28, 1909:

Office of Governor.

For salary of Governor, Five Thousand Dollars.

For salary of Governor's Secretary, Two Thousand Four Hundred Dollars.

For salary of Governor's Stenographer, One Thousand Two Hundred Dollars.

For Governor's office expense, Five Hundred Dollars.

For Requisition, One Thousand Dollars.

For Rewards, One Thousand Dollars.

Office of Secretary of State.

For Salary of the Secretary of State, Three Thousand Dollars.

For salary of the Deputy Secretary of State, One Thousand Eight Hundred Dollars.

For salary of Stenographer of the Secretary of State, One Thousand Five Hundred Dollars.

For extra clerical hire Secretary of State, Four Hundred and Fifty Dollars.

For indexing the Laws extra clerical hire, One Hundred and Fifty Dollars.

For office expense of the Secretary of State, Seven Hundred Dollars.

Office of State Treasurer.

For salary of the State Treasurer, Three Thousand Dollars.

For salary of Deputy State Treasurer, Two Thousand, One Hundred Dollars.

For salary of a clerk to the State Treasurer, One Thousand, Eight Hundred Dollars.

For office expense of the State Treasurer, Six Hundred and Fifty Dollars.

For expense of bond for State Treasurer, One Thousand Five Hundred Dollars.

Office of State Auditor.

For salary of State Auditor, Three Thousand Dollars.

For salary of Deputy State Auditor, One Thousand Eight Hundred Dollars.

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For salary of Insurance Clerk to State Auditor, One Thousand Five Hundred Dollars.

For salary of Stenographer to State Auditor, One Thousand Two Hundred Dollars.

For salary of Bookkeeper to State Auditor, One Thousand Two Hundred Dollars.

For office and traveling expense of State Auditor, Seven Hundred Dollars.

Office of Attorney General.

For salary of Attorney General, Three Thousand Dollars.

For salary of First Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Second Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Third Assistant Attorney General, Two Thousand Five Hundred Dollars.

For salary of Stenographer, Attorney General, One Thousand Eight Hundred Dollars.

For salary of Clerk of Attorney General, One Thousand Two Hundred Dollars.

For office and traveling expense and extra clerical hire, of Attorney General, One Thousand Two Hundred Dollars.

Office of Superintendent of Public Instruction.

For salary of Superintendent of Public Instruction, Two Thousand Five Hundred and Eighty-five Dollars.

For salary of Deputy Superintendent of Public Instruction, One Thousand Eight Hundred Dollars.

For salary of Stenographer to Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

For office and traveling expenses of Superintendent of Public Instruction, One Thousand Two Hundred Dollars.

Office of State Examiner.

For salary of State Examiner, Two Thousand Five Hundred Dollars.

For salary of Assistant State Examiner, Two Thousand One Hundred Dollars.

For salary of Second Assistant to State Examiner, One Thousand Two Hundred Dollars.

For office expense of State Examiner, Two Thousand Five Hundred Dollars.

For Deputy State Examiner, One Thousand Two Hundred Dollars.

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Office of State Veterinarian.

For salary of State Veterinarian, Two Thousand Five Hundred Dollars.

For salary of Deputy State Veterinarian, One Thousand Five Hundred Dollars.

For office and traveling expenses of State Veterinary Surgeon, One Thousand Eight Hundred Dollars.

For Clerk's salary office of Veterinarian, One Thousand Two Hundred Dollars.

For traveling expense of Deputy State Veterinarian, One Thousand Two Hundred Dollars.

Bureau of Agriculture, Labor and Industry.

For salary of the Commissioner, Two Thousand Five Hundred Dollars.

For salary of Chief Clerk, One Thousand Eight Hundred Dollars.

For office and traveling expense, One Thousand Five Hundred Dollars.

State Boiler Inspector.

For salary of State Boiler Inspector, Two Thousand Four Hundred Dollars.

For salary of Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For salary of Assistant State Boiler Inspector, One Thousand Eight Hundred Dollars.

For office and traveling expense of the State Boiler Inspector, Four Thousand Dollars.

For clerk, State Boiler Inspector's office, One Thousand Five Hundred Dollars.

Office of State Mine Inspector.

For salary of State Mine Inspector, Two Thousand Five Hundred Dollars.

For salary of Assistant State Mine Inspector, One Thousand Eight Hundred Dollars.

For office and traveling expenses of State Mine Inspector, Two Thousand Dollars.

For salary of Coal Mine Inspector, Two Thousand Five Hundred Dollars.

For office and traveling expenses, One Thousand Five Hundred Dollars.

Office of Adjutant General.

For salary of Adjutant General of the State of Montana, One Thousand Two Hundred Dollars.

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Office and traveling expenses, Six Hundred Dollars.

For salary of the Secretary of the State Fair, One Thousand Two Hundred Dollars.

National Guard.

For the maintenance of the National Guard, Five Thousand Dollars.

State Board of Education.

For expense of the State Board of Education, Eight Hundred Dollars.

Farmers' Institute.

Expense, Seven Thousand Five Hundred Dollars.

State Historical Library.

Salary of Librarian, One Thousand Eight Hundred Dollars.

Salary of First Assistant, One Thousand Two Hundred Dollars.

Salary of Second Assistant, Nine Hundred Dollars,

Expense, Three Thousand Dollars.

For salary of the Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners and Board of Commissioners of the Insane, One Thousand, Eight Hundred Dollars.

For extra clerical hire for same, Two Hundred Dollars.

For the Expense of Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners and Board of Commissioners, Three Hundred Dollars.

Horticulturist's Office.

For salary of the Secretary of the State Board of Horticulture, One Thousand Dollars.

For Expenses, Four Thousand Dollars.

For salary of Clerk of the State Board of Examiners, One Thousand Eight Hundred Dollars.

For the office Expenses of the State Board of Examiners, One Hundred and Fifty Dollars.

For salary of the Secretary of the State Board of Health, Three Thousand Dollars.

For the office and Traveling Expenses of the State Board of Health, Three Thousand Dollars.

For the Expenses of the State Board of Charities and Reform, Three Hundred Dollars.

Bureau of Child and Animal Protection.

For salary of the Secretary of the Bureau of Child and Animal Protection, One Thousand, Eight Hundred Dollars.

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For Expense of the Secretary of the Bureau of Child and Animal Protection, One Thousand, Eight Hundred Dollars.

For salary of two Deputy Secretaries of the Bureau of Child and Animal Protection, Three Thousand Dollars.

For clerk to the Secretary of Bureau of Child and Animal Protection, Six Hundred Dollars.

For Public Printing, Twenty Thousand Dollars.

For Maintenance and care of the Capitol Building and Grounds, Twenty-One Thousand Dollars.

For Expenses of the State Entomologist, Five Hundred Dollars.

For salary of the State Engineer, Two Thousand Five Hundred Dollars.

Field and Office Expenses, State Engineer, One Thousand Dollars.

Transportation of Prisoners.

For Sheriffs' Transportation of Prisoners to the Penitentiary, Five Thousand Dollars.

Judicial Department.

For the Period ending February 28, 1909.

For the salary of Three Justices of the Supreme Court, Twelve Thousand Dollars.

For the salary of the Clerk of the Supreme Court, Two Thousand Dollars.

For the salary of the Stenographer of the Supreme Court, One Thousand Eight Hundred Dollars.

For Compensation of the Justices of the Supreme Court for Services in reporting Decisions, Four Thousand Five Hundred Dollars.

For salary of the Marshall [Marshal?] of the Supreme Court, One Thousand Two Hundred Dollars.

For salary of the attendant of the Justices of the Supreme Court, One Thousand, Two Hundred Dollars.

For the expenses of the Clerk of the Supreme Court, Five Hundred Dollars.

For the salary of District Judges, Fifty Nine Thousand Five Hundred Dollars.

For the salary of County Attorneys, Twenty-Three Thousand Five Hundred Dollars.

For Printing Montana Reports, One Thousand Eight Hundred Dollars.

For Expenses of Judges sitting in the place of other Judges, One Thousand Dollars.

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For Fees and expenses before Court not otherwise provided for, Five Hundred Dollars.

For salary of State Law Librarian, Two Thousand Dollars.

For maintenance and expenses of the State Law Library, Seven Hundred Dollars.

For purchase of Books for the State Law Library, One Thousand Five Hundred Dollars.

Approved March 11, 1907.

HOUSE BILL NO. 130.

"An Act making Appropriations for the Executive and Judicial Departments of the State Government for the three months ending February 28, 1907."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the following sums, or as much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, for the three months ending February 28, 1907: provided, however, that no part of said appropriations shall be used except for the payment of salaries due and expenses necessarily incurred during said period and any balance of said appropriation, not so used, shall revert to the general fund:

Executive Department.

For Salary of Governor, One Thousand, Two Hundred and Fifty ($1,250.00) Dollars.

For salary of Governor's Secretary, Six Hundred ($600.00) Dollars.

For salary of Governor's Stenographer, Three Hundred ($300.00) Dollars.

For the Governor's office expense, One Hundred twenty-five ($125.00) Dollars.

For Requisitions, Two Hundred and Fifty ($250.00) Dollars.

For salary of the Secretary of State, Seven Hundred and Fifty ($750.00) Dollars.

For salary of the Deputy Secretary of State, Four Hundred and Fifty ($450.00) Dollars.

For salary of the Stenographer of the Secretary of State, Three Hundred and Seventy-five ($375.00) Dollars.

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For office expense of the Secretary of State, One Hundred and Fifty ($150.00) Dollars.

For the salary of the State Treasurer, Seven Hundred and Fifty ($750.00) Dollars.

For the salary of the Deputy State Treasurer, Four Hundred and Fifty ($450.00) Dollars.

For the salary of the Clerk to the State Treasurer, Three Hundred and Seventy-five ($375.00) Dollars.

For office expense of the State Treasurer, Eighty-five ($85.00) Dollars.

For salary of the Attorney General, Seven Hundred and Fifty ($750.00) Dollars.

For the salary of the first Assistant Attorney General, Five Hundred and Fifty ($550.00) Dollars.

For the salary of the second Assistant Attorney General, Five Hundred and Ten ($510.00) Dollars.

For salary of stenographer to the Attorney General, Three Hundred and Fifty ($350.00) Dollars.

For office and traveling expense and extra clerical hire of Attorney General, Three Hundred and Fifty ($350.00) Dollars.

For salary of the State Auditor, Seven Hundred and Fifty ($750.00) Dollars.

For salary of the Deputy State Auditor, Four Hundred and Fifty ($450.00) Dollars.

For salary of Insurance Clerk to State Auditor, Three Hundred and Seventy-five ($375.00) Dollars.

For salary of stenographer to State Auditor, Three Hundred ($300.00) Dollars.

For office expense and extra clerical hire of State Auditor, One Hundred and Fifteen ($115.00) Dollars.

For salary of the Superintendent of Public Instruction, Six Hundred and Twenty-five ($625.00) Dollars.

For salary of Deputy Superintendent of Public Instruction, Four Hundred and Fifty ($450.00) Dollars.

For salary of Stenographer to Superintendent of Public Instruction, Three Hundred ($300.00) Dollars.

For office and traveling expense of Superintendent of Public Instruction, Three Hundred ($300.00) Dollars.

For salary of State Examiner, Six Hundred and Twenty-five ($625.00) Dollars.

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For salary of Assistant State Examiner, Four Hundred and Fifty ($450.00) Dollars.

For salary of Stenographer of State Examiner, Three Hundred ($300.00) Dollars.

For office expense of State Examiner, Three Hundred and Seventy-five ($375.00) Dollars.

For salary of State Veterinary Surgeon, Six Hundred and Twenty-five ($625.00) Dollars.

For salary of Deputy Veterinarian, Three Hundred and Seventy-five ($375.00) Dollars.

For office and traveling expense of State Veterinary Surgeon, Four Hundred ($400.00) Dollars.

For traveling expenses of Deputy State Veterinary Surgeon, Three Hundred ($300.00) Dollars.

For salary of stenographer of State Veterinary Surgeon, Three Hundred ($300.00) Dollars.

For salary of the Commissioner of the Bureau of Agriculture, Labor and Industry, Six Hundred and Twenty-five ($625.00) Dollars.

For salary of Clerk to the Commissioner of the Bureau of Agriculture, Labor and Industry, Four Hundred and Fifty ($450.00) Dollars.

For office and traveling expense of the Bureau of Agriculture, Labor and Industry, Three Hundred and Seventy-five ($375.00) Dollars.

For salary of the State Boiler Inspector, Six Hundred ($600.00) Dollars.

For salary of the Assistant State Boiler Inspector, Four Hundred and Fifty ($450.00) Dollars.

For the office and traveling expense of the State Boiler Inspector, Eight Hundred and Seventy-five ($875.00) Dollars.

For salary of the State Mine Inspector, Six Hundred ($600.00) Dollars.

For salary of the Assistant State Mine Inspector, Four Hundred Twelve Dollars and Fifty Cents ($412.50).

For the office and traveling expense of the State Mine Inspector, Four Hundred ($400.00) Dollars.

For the salary of the State Coal Mine Inspector, Five Hundred ($500.00) Dollars.

For the office and traveling expense of the State Coal Mine Inspector, Three Hundred and Seventy-five ($375.00) Dollars.

For salary of the Adjutant General of the State of Montana, Three Hundred ($300.00) Dollars.

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For the office expense of Adjutant General, One Hundred and Twenty-five ($125.00) Dollars.

For the expense of the State Board of Education, Two Hundred ($200.00) Dollars.

For salary of the Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners, and Board of Commissioners of the Insane, Four Hundred and Fifty ($450.00) Dollars.

For the expense of the Clerk of the State Board of Equalization, Board of Pardons, Board of Prison Commissioners, and Board of Commissioners of Insane, Twenty-five ($25.00) Dollars.

For salary of Librarian of the State Law Library, Three Hundred and Seventy-five ($375.00) Dollars.

For the maintenance and expense of the State Law Library, One Hundred and Seventy-five ($175.00) Dollars.

For books for the State Law Library, One Hundred and Eighty-five ($185.00) Dollars.

For salary of the Librarian of the State Historical and Miscellaneous Department, Three Hundred and Seventy-five ($375.00) Dollars.

For salary of the First Assistant Librarian of the Historical and Miscellaneous Department, Two Hundred ($200.00) Dollars.

For the expense of the State Historical and Miscellaneous Department, Six Hundred and Twenty-five ($625.00) Dollars.

For salary of the Secretary of the State Board of Horticulture, Two Hundred and Fifty ($250.00) Dollars.

For salary of the Clerk of the State Board of Examiners, Four Hundred and Fifty ($450.00) Dollars.

For the office expense of the State Board of Examiners, Thirty-five ($35.00) Dollars.

For salary of the Secretary of the State Board of Health, Three Hundred ($300.00) Dollars.

For the office and traveling expense of the State Board of Health, Two Hundred ($200.00) Dollars.

For the expenses of the State Board of Charities and Reform, One Hundred ($100.00) Dollars.

For salary of the Secretary of the Bureau of Child and Animal Protection, Three Hundred ($300.00) Dollars.

For the expense of the Secretary of the Bureau of Child and Animal Protection, Two Hundred ($200.00) Dollars.

For salary of Deputy Secretary of the Bureau of Child and Animal Protection, Three Hundred ($300.00) Dollars.

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For clerk hire for office of Secretary of the Bureau of Child and Animal Protection, One Hundred ($100.00) Dollars.

For Public Printing, Three Thousand ($3000.00) Dollars.

For maintenance and care of the Capitol Building and grounds, Four Thousand ($4000.00) Dollars.

For expenses of the State Entomologist, One Hundred ($100.00) Dollars.

For salary of the State Engineer, Six Hundred and Twenty-five ($625.00) Dollars.

For the expenses of the Carey Land Act Board, Three Hundred and Seventy-five ($375.00) Dollars.

For the expenditures of the Board of Administration of Farmers' Institute, Two Thousand ($2,000.00) Dollars.

Judicial Department.

For the salary of Three Justices of the Supreme Court, Three Thousand ($3000.00) Dollars.

For the salary of the Clerk of the Supreme Court, Five Hundred ($500.00) Dollars.

For salary of the Stenographer of the Supreme Court, Four Hundred and Fifty ($450.00) Dollars.

For compensation of the Justices of the Supreme Court for services in reporting decisions, One Thousand, One Hundred and Twenty-five ($1,125.00) Dollars.

For salary of the Marshall [Marshal?] of the Supreme Court, Three Hundred ($300.00) Dollars.

For salary of the attendant of the Justices of the Supreme Court, Two Hundred and Fifty ($250.00) Dollars.

For the expense of the Clerk of the Supreme Court, One Hundred and Twenty-five ($125.00) Dollars.

For the salary of District Judges, Thirteen Thousand, Three Hundred and Seventy-five ($13,375.00) Dollars.

For the salary of County Attorneys, Five Thousand, Six Hundred Sixty-two Dollars and Fifty Cents ($5,662.50).

Section 2.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 20, 1907.

HOUSE BILL NO. 413.

"An Act making Appropriations for the State Institutions of Montana for the Period ending February 28, 1908, and February 28, 1909."

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects hereinafter expressed for the period ending February 28, 1908:

For the maintenance of the Insane, One Hundred and Fifty Thousand Dollars.

For the maintenance of the State Prison, Ninety Thousand Dollars.

For the maintenance of the Agricultural College, Twenty-five Thousand Dollars.

For the maintenance of the Experimental Station of the Agricultural College, Seven Thousand Five Hundred Dollars.

For dry land farming Three Thousand Dollars.

For purchase of stock Three Thousand Dollars.

For the maintenance of the Reform School, Twenty-seven Thousand Dollars.

Repairs and Improvements for buildings Seven Thousand Dollars.

For the maintenance of the School for the Deaf and Blind, Thirty-three Thousand Dollars.

For the maintenance of the State Normal School, Thirty Thousand and Eight Hundred.

For the maintenance of the State University, Fifty-seven Thousand, Five Hundred and Fifty-five Dollars.

For the maintenance of the State School of Mines, Thirty Thousand Four Hundred and Ninety Dollars.

For the maintenance of the State Orphans Home Twenty Eight Thousand Dollars.

For the maintenance of the Soldiers Home, Twelve Thousand Six Hundred and Ninety-seven Dollars and Seventeen Cents.

Section 2.

That the following sums, or so much thereof as may be necessary, be, and the same are, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the objects hereinafter expressed for the period ending February 28, 1909:

For the maintenance of the Insane, One Hundred and Fifty Thousand Dollars.

For the maintenance of the State Prison, Ninety Thousand Dollars.

For the maintenance of the Agricultural College, Twenty-five Thousand Dollars.

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For the maintenance of the Experimental Station of the Agricultural College, Seven Thousand Five Hundred Dollars.

For dry land farming, Three Thousand Dollars.

For purchase of stock, Two Thousand Dollars.

Repairs and improvements for buildings, Seven Thousand Dollars.

For the maintenance of the Reform School Twenty-seven Thousand Dollars.

For the maintenance of the School for the Deaf and Blind, Thirty-three Thousand Dollars.

For the maintenance of the State Normal School Thirty-two Thousand, Eight Hundred and Twenty-five.

For the maintenance of the State University, Fifty-seven Thousand, Five Hundred and Fifty-five Dollars.

For the maintenance of the State School of Mines, Thirty Thousand, Four Hundred and Ninety Dollars.

For the maintenance of the Orphans Home, Twenty-nine Thousand Dollars.

For the maintenance of the Soldiers Home, Fifteen Thousand Nine Hundred Dollars.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1907.

HOUSE BILL NO. 127.

"An Act making appropriations for the State Institutions of Montana for the three months ending February 28, 1907."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the following sums, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects hereinafter expressed, for the three months ending February 28, 1907; provided, however, that no part of said appropriation shall be used except for the payment of salaries due and expenses necessarily incurred during said period, and any balance of said appropriation, not so used, shall revert to the general fund:

For the maintenance of the Insane, Thirty-two Thousand Five Hundred Dollars ($32,500.00).

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For the maintenance of the State Prison, Twenty Thousand Dollars ($20,000.00).

For the maintenance of the Agricultural College, Four Thousand, Three Hundred and Seventy-five Dollars ($4,375.00).

For the maintenance of the Experimental Station of the Agricultural College, One Thousand, Two Hundred and Fifty Dollars ($1,250.00).

For Experimental Purposes, Experimental Station, Agricultural College, Two Hundred and Fifty Dollars ($250.00).

For the maintenance of the Reform School, Six Thousand Dollars ($6,000.00).

For the maintenance of the School for the Deaf and Blind, Six Thousand, Four Hundred and Twenty-five Dollars ($6,425.00).

For the maintenance of the State Normal School, Seven Thousand, Seven Hundred and Ten Dollars ($7,710.00).

For the maintenance of the State University, Eleven Thousand Seven Hundred and Fifty Dollars ($11,750.00).

For the maintenance of the State School of Mines, Seven Thousand, Two Hundred and Fifteen Dollars ($7,215.00).

For the maintenance of the Orphans Home, Seven Thousand Dollars ($7,000.00).

For the maintenance of the Soldiers Home, Three Thousand Dollars ($3,000.00).

For the salary of the Secretary of the State Fair Association, Three Hundred Dollars ($300.00).

Section 2.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 18, 1907.

HOUSE BILL NO. 29.

An Act to Appropriate Moneys for the payment of mileage and per diem for the members of the Tenth Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and attaches thereof.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Forty-Five Thousand ($45,000) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds not otherwise appropriated, for the payment of mile-

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age and per diem for the members of the Tenth Legislative Assembly of the State of Montana.

Section 2.

That the sum of Eighteen Thousand ($18,000) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.

Section 3.

That this Act shall be in force and effect from and after its passage and approval.

Approved Jany. 21st, 1907.

HOUSE BILL NO. 422.

An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seven Thousand (7,000) Dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys not otherwise appropriated for the payment of the per diem of the officers and attaches of the Tenth Legislative Assembly of the State of Montana.

Section 2.

That this Act shall be in force and effect from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 62.

"An Act making Appropriation for the Incidental Expenses of the Tenth Legislative Assembly of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Twelve Thousand ($12,000) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay the incidental expenses of the Tenth Legislative Assembly of the State of Montana.

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Section 2.

That this Act shall be in force and effect from and after its passage and approval.

Approved Feby. 1, 1907.

HOUSE BILL NO. 74.

"An Act to authorize the erection and equipment of a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the departments of Agriculture, Horticulture, Animal Husbandry, Veterinary and Domestic Science, and making an appropriation therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Eighty Thousand Dollars ($80,000) is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the purpose of erecting, furnishing and completing a building at the Montana Agricultural College and Experiment Station at Bozeman, Montana, for the use of the departments of Agriculture, Horticulture, Animal Husbandry, Veterinary and Domestic Science.

Section 2.

That of the above sum, of Eighty Thousand Dollars, ($80,000), appropriated in Section 1, of this Act, the sum of Thirty Thousand Dollars, ($30,000) is appropriated for the fiscal year ending November 30, 1907, and the sum of Fifty Thousand Dollars ($50,000) is appropriated for the fiscal year ending November 30, 1908.

Section 3.

That the Executive Board of the Montana Agricultural College and Experiment Station is authorized, subject to the approval of the State Board of Education to secure plans and to enter into contracts for erecting and equipping and completing the said building as provided in Section 1 of this act, and to superintend and control the same while under construction.

Section 4.

This Act shall be in full force and effect immediately after its passage and approval by the Governor.

Approved March 15th, 1907.

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SUBSTITUTE FOR HOUSE BILLS NOS. 19 AND 44.

"An Act to authorize the Construction, furnishing and equipment of a hospital building including plumbing and architects fees, at the Montana Soldiers Home, at Columbia Falls. To provide for the heating plant for the heating of all buildings at said Soldiers Home including said Hospital, and appropriating money therefor."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The Board of Managers of the Montana Soldiers Home is hereby authorized, empowered and directed to secure the erection, furnishing and equipment including architects fees, of a Hospital Building at said Soldiers Home; said Board shall approve and adopt said plans and specifications for said building, and shall secure the construction of same by contract as required by law.

Section 2.

Said Board of Managers shall also provide plans and specifications for a suitable heating plant for heating all of the buildings of the Montana Soldiers Home, including said Hospital Building to be erected.

Section 3.

There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Thirty Seven Thousand, Three Hundred Dollars ($37,300.00) to use for the construction, furnishing and equipment, and architects fees of said hospital building and heating plant.

Section 4.

All Acts and parts of Acts in conflict with this Act, are hereby repealed.

Section 5.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1907.

HOUSE BILL NO. 78.

An Act to authorize, empower and direct the Board of Trustees of the Montana State Reform School at Miles City, Montana, to finish and complete the construction and furnishing of the girls' building at said Montana State Reform School: also to authorize, empower and direct the construction and furnishing of a hospital

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building at said Reform School and to appropriate money for all of said purposes."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The Board of Trustees of the Montana State Reform School are hereby authorized, empowered and directed to secure the construction and finishing and furnishing of the girls' building at said Montana State Reform School.

Section 2.

The Board of Trustees of the Montana State Reform School are hereby authorized, empowered and directed to secure the construction, completion and furnishing of a hospital building at said Montana State Reform School.

Section 3.

There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of Fifteen Thousand (15,000) dollars for the fiscal year of 1907 for the completion and furnishing of the girls' building at the Montana State Reform School.

Section 4.

There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of Eight Thousand (8,000) Dollars for the fiscal year 1908 for the construction, completion and furnishing of a hospital building at the Montana State Reform School.

Section 5.

All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 6.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1907.

HOUSE BILL NO. 43.

"An Act appropriating money for the completing, furnishing and equipping of the building for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana, and for the fittings and furnishings of the Industrial Building and Gymnasium for the Feeble Minded at the Montana School for the Deaf and Blind at Boulder, Montana and also for the farm connected with

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the said Montana School for the Deaf and Blind at Boulder, Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That there be and the same is hereby appropriated the sum of Four Thousand Five Hundred Dollars ($4,500) or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used as follows: For completing, furnishing and equipping a building for the feeble minded at the Montana School for the Deaf and Blind at Boulder, Montana.

Section 2.

Seven Thousand Five Hundred Dollars ($7,500) is hereby appropriated, or so much thereof as may be necessary out of any money in the State Treasury not otherwise appropriated, to be used for completing and furnishing an Industrial Building and Gymnasium at the Montana School for the Deaf and Blind at Boulder, Montana.

Section 3.

Ten Thousand Dollars ($10,000) or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used for the purchase of a farm for the use and maintainance [maintenance?] of said institution and the patients therein.

Section 4.

This Act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1907.

SENATE BILL NO. 1.

An Act, entitled: "An Act appropriating money for the relief and benefit of the Montana State Normal College."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That there is hereby appropriated, out of the moneys in the state treasury, not otherwise appropriated, the sum of eighty-one thousand one hundred and seventy-seven ($81,177.00) dollars, or so much thereof as may be necessary for the purpose of building, completing and equipping with the necessary and proper furniture and heating plant, including architect's fees, the main building of the Montana State Normal College. That one-half of said sum hereby appropriated, to be available during the year 1907, and the re-

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maining half of said sum hereby appropriated, to be available during the year 1908.

Section II.

That the building, completing and equipping with the necessary and proper furniture and heating plant in the said main building shall be under the control of the Executive Board of the Montana State Normal College; and the moneys, hereby appropriated, shall be paid out by the State treasurer upon vouchers approved by the said Executive Board, and duly allowed by the State Board of Examiners.

Section III.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 21, 1907.

HOUSE BILL NO. 65.

"An Act Appropriating money for the Erecting and Equipping of Additional Buildings for the State Orphan's Home at Twin Bridges, Montana, and for the Construction of a Sewerage System in Connection with same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seven Thousand Five Hundred ($7,500.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to be used for the construction and furnishing of a nursery building at the State Orphan's Home at Twin Bridges, Montana.

Section 2.

Five Thousand ($5,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the construction of a kitchen and cold storage building at the State Orphan's Home at Twin Bridges, Montana.

Section 3.

Eight Thousand ($8,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the construction and furnishing of an auditorium in connection with the

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school building of the State Orphan's Home at Twin Bridges, Montana.

Section 4.

Three Thousand ($3,000.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, to be used for installing and completing a sewerage system in connection with the State Orphan's Home at Twin Bridges, Montana.

Section 5.

Fifteen Hundred ($1500.00) Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be used in completing and furnishing a cottage at the State Orphan's Home at Twin Bridges, Montana.

Section 6.

"The aggregate sum of Seventeen Thousand ($17,000.00) Dollars, appropriated by Section 1-2-4 and 5, is appropriated for the fiscal year ending Nov. 30, 1907, and the sum of Eight Thousand ($8,000.00) Dollars, appropriated in Section 3, is appropriated for the fiscal year ending Nov. 30, 1908."

Section 7.

This Act shall take effect and be in full force from and after its passage and approval by the Governor.

Approved Feby. 28, 1907.

HOUSE BILL NO. 231.

"An Act appropriating money for the Montana State School of Mines, located at Butte, Montana, for the erection and aquipment [equipment?] of a boiler plant and of a metallurgical plant for said school."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Fifty-nine Thousand (59,000) Dollars, or as much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated for the Montana State School of Mines, located at Butte, Montana, for the following purposes, to-wit:

Fourteen Thousand (14,000) Dollars for the erection and equipment of a boiler plant for said school, to be available during the year 1907; and

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Forty-five Thousand (45,000) Dollars for the erection and equipment of a metallurgical plant for said school, to be available during the year 1908.

Section 2.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1907.

HOUSE BILL NO. 85.

"An Act making appropriations for the maintenance of the Montana State Fair and for permanent improvements on the grounds thereof for the fiscal years ending November 30, 1907, and November 30, 1908."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated for the objects hereinafter expressed for the fiscal year ending November 30, 1907;

For the maintenance of the Montana State Fair, the sum of Ten Thousand Dollars.

For the permanent improvements upon the grounds of the Montana State Fair to be expended by the Board of Directors of the Montana State Fair for the fiscal year ending November 30, 1907, the sum of Ten Thousand Dollars.

Section 2.

That the following sums, or so much thereof as may be necessary be, and the same are hereby appropriated for the objects hereinafter expressed for the fiscal year ending November 30, 1908.

For the maintenance of the Montana State Fair, the sum of Ten Thousand Dollars.

For the permanent improvements upon the grounds of the Montana State Fair to be expended by the Board of Directors of the Montana State Fair for the fiscal year ending November 30, 1908, the sum of Ten Thousand Dollars.

Section 3.

The Board of Directors of the Montana State Fair are hereby authorized to expend the moneys hereinabove appropriated for the improvements upon the grounds of the said Montana State Fair for the making of such permanent improvements as to them may seem

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necessary or desirable, provided always, that no lien or obligation shall be created on, or against the land or property of the said Montana State Fair, except such as may be discharged out of the sums herein appropriated, nor shall any director or member of the executive committee be directly or indirectly interested in any contract or purchase for the use or benefit of the said institution.

Section 4.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

HOUSE BILL NO. 158.

"An Act appropriating money for the erection and completion of a Library building for the University of Montana at Missoula, Montana, for enlarging the heating plant and connecting the same with the Library building, and for cement walks necessary to connect said Library with other buildings at said University Grounds, and with the street, and for certain improvements on University Grounds."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Fifty Thousand ($50,000) or so much thereof as may be necessary, be and is hereby appropriated for the erection, completion and furnishing of a Library building for the University of Montana, at Missoula, Montana.

Section 2.

That the sum of Ten Thousand Dollars ($10,000) or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of enlarging the steam heating plant of the University of Montana, connecting the same with the Library building specified in Section 1 of this Act and for improving the grounds and constructing the necessary walks connecting the said Library building with the other University buildings.

Section 3.

That of the above sum of Sixty Thousand Dollars ($60,000) appropriated by sections 1 and 2 of this Act, the sum of Twenty Five Thousand Dollars ($25,000) is appropriated for the fiscal year ending November 30th, 1907, and the sum of Thirty Five Thousand Dollars ($35,000) is appropriated for the fiscal year ending November 30th, 1908.

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Section 4.

The erection, completion and furnishing of said building, and the completion of said improvements shall be under the control of the said State Board of Education. Said Board shall have power through its agent or agents to make any and all contracts for the erection, completion and furnishing of said improvements.

Section 5.

All contracts for the erection, completing and furnishing of said Library building and for the completion of said improvements must be approved by the State Board of Education before the same shall become valid and binding.

Section 6.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 15, 1907.

HOUSE BILL NO. 411.

"An Act appropriating money for the erection and completion of a Womens Building, Hospital Building, and an additional wall at the State Prison at Deer Lodge, Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Four Thousand One Hundred Ninety-Seven Dollars and Fifty Cents ($4,197.50), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the erection and completion of a Womens Building within the walls of the State Prison at Deer Lodge, Montana.

Section 2.

That the sum of Two Thousand Nine Hundred Eighty-Seven Dollars and Fifty Cents ($2,987.50), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the erection and completion of a Hospital Building within the walls of the State Prison at Deer Lodge, Montana.

Section 3.

That the sum of Three Thousand One Hundred Dollars ($3,100.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise

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appropriated, for the erection and completion of an additional prison wall at the State Prison at Deer Lodge, Montana.

Section 4.

That the total amount of the appropriations hereinabove made shall be paid from moneys in the State Treasury during the years ending February, 1908, and February, 1909, in amount as directed by the State Board of Examiners, reference being had by them to the condition of the State finances.

Section 5.

The erection, completion, and furnishing of all of said buildings and of said wall shall be under the control and supervision of the State Board of Prison Commissioners of the State of Montana, and said board shall have power and authority to make and enter into for and on behalf of the State any and all contracts for such buildings, work and improvements.

Section 6.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

SENATE BILL NO. 124.

An Act entitled "An Act to appropriate money to pay to the owners of bonds heretofore issued by the State Board of Land Commissioners, under the names of the State University, State Normal School, Agricultural College, and Deaf and Dumb School of the State of Montana, an amount equal to the interest due and accruing on the interest coupons attached to said bonds and maturing on or before January 1st, 1909, and to authorize the State Board of Examiners to call in said bonds in the order of their issuance and to pay and cancel the same, and to appropriate money for such purpose."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Forty Thousand and sixty dollars be, and the same is hereby appropriated out of any funds not otherwise appropriated for the year ending on the last day of February, 1908, to pay an amount equal to the interest due and accruing on or before January 1st, 1909, on interest coupons attached to bonds heretofore issued by the State Board of Land Commissioners under the name of the State University, State Normal School, Agricultural College and Deaf

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and Dumb School of the State of Montana, and now held by persons other than the State of Montana; and that the sum of Twenty Thousand Dollars be, and the same is hereby appropriated out of any funds not otherwise appropriated for the year ending on the last day of February, 1909, for the purpose of paying the amounts named in said interest coupons maturing on or before January 1st, 1909.

Section 2.

The amount named in said interest coupon mentioned in Section One of this Act shall be paid by the State Treasurer only upon the presentation and surrender of the same at his office in the State Capitol.

Section 3.

All money in the General Fund to an amount not exceeding Two Hundred Thousand Dollars, which is not otherwise appropriated for executive, judicial or other purposes, is hereby appropriated for the two years ending on the last day of February, 1909, for the purpose of paying as hereinafter provided, the amount named in any of said bonds mentioned in Section One of this Act.

Whenever the State Board of Examiners shall find that there is Ten Thousand Dollars or more to the credit of the General Fund over and above all sums otherwise appropriated for executive, judicial, and other purposes, they are authorized and empowered to direct the State Treasurer to notify the owners of said bonds bearing the earliest date of issue and the lowest numbers of the series still outstanding, that the amount named in such bonds, which must be described in the notice, to the amount directed by the State Board of Examiners, and stated in said notice, will be paid, and that from and after a date to be designated and mentioned in said notice no interest will be allowed or paid on such sums. The Treasurer shall give such notice by publication once a week for four successive weeks in a newspaper of general circulation published in the City of Helena, Montana, and a like newspaper published in the City of New York, New York, and upon such publication interest on the amounts named in the bonds described in said notice shall cease from and after the date named in said notice as the date on which interest will cease.

Upon presentation to the State Treasurer of the bonds described in said notice he shall pay the sums mentioned therein; provided, that he shall not pay more than the face value together with accrued interest, and that a tender of the face value of any bond, together with accrued interest shall constitute a full satisfaction of the amount mentioned in such bond and interest thereon.

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Section 4.

This Act is not intended and shall not be construed to create a legal liability on the part of the State of Montana, to pay any of said bonds or interest coupons, nor to in any manner validate such outstanding bonds; it being only intended hereby to restore to the owners of said bonds the amount advanced by them for the use and benefit of the State institutions of learning, with interest thereon, at the rate named in said bond.

Section 5.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 55.

"An Act Authorizing the payment of certain claims for bounty and appropriating money from the State Bounty Fund for the payment thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Sixteen Thousand, Three hundred seventy-two ($16.372.00) Dollars, be, and the same is hereby appropriated out of the State Bounty Fund for the purpose of paying the following bounty claims which have been examined and approved by the State Board of Examiners as true and just claims against said fund, but not allowed by said Board because of technical defects therein:

Adair, W. L.	Belton	$ 7.00
Anderson, A. O.	Big Timber	3.00
Anderson, A.	Divide	45.00
Allen, Nellie	Big Timber	6.00
Andrews, J. A.	Miles City	99.00
American Nat. Bank	Helena	473.00
Bair, C. N.	Billings	12.00
Barta, Thos.	Lavina	6.00
Bank of Fergus Co.	Lewistown	32.00
Bank of Boulder	Boulder	42.00
Bank of Valley Co.	Glasgow	102.00
Bank of Twin Bridges	Twin Bridges	3.00

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Bank of Culbertson	Culbertson	15.00
Banks, H. B.	Columbus	9.00
Baldwin, W. R.	Lyon	3.00
Bean, P. T.	Clemons	57.00
Belcher, F. L.	Edgewater	3.00
Bell, Angus	Musselshell	6.00
Bell, Will C.	Superior	9.00
Beager, A. G.	Libby	7.00
Bem, Frank J.	Nye	3.00
Billings State Bank	Billings	69.00
Binford, Cal	Choteau	27.00
Bjorheim, Jonas	Glasgow	17.00
Blair, James W.	Lake View	51.00
Blair, Frank G.	Grant	9.00
Blair, O. M.	Helmville	17.00
Boland, Thos.	Anaconda	85.00
Bourne & Hamilton	Chester	3.00
Bower, G. C.	Stanford	6.00
Bryant, E. C.	Lewistown	24.00
Burt, Geo. W.	Terry	209.00
Busteed, Thos. H.	Busteed	26.00
Buford & Co., S. R.	Virginia City	18.00
Buerskog, Cornelius	Grey Cliff	3.00
Cale, S. Fred.	Miles City	408.00
Cale, S. Fred.	" "	748.00
Carlson, Oscar	Helena	9.00
Carlson, Peter	Martinsdale	30.00
Cale, Alice B.	Miles City	9.00
Carlson, Fred.	Shawmut	36.00
Campbell, John P.	Big Elk	9.00
Carey, Frank	Boulder	24.00
Chandler, M.	Musselshell	3.00
Clawson, J. F.	Drummond	27.00
Coates, W. W.	Martinsdale	61.00
Conrad Banking Co.	Great Falls	3.00
Commercial Nat. Bk.	Bozeman	27.00
Cowan, W. T.	Box Elder	33.00
Cox, T. W.	Grant	3.00
Cogswell, S. T.	Wolf Point	64.00
Cotter, Mrs. Wm. T.	Helmville	13.00
Danforth, C. L.	Lock	23.00

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Davis, Moses	Gray Cliff	6.00
Deal, Raymond	Dewey	54.00
De France, Chas.	Jefferson Island	3.00
Dickens, Ebb	Augusta	18.00
Dabler, Leopold	East Helena	3.00
Drenner, J. N.	Miles City	3.00
Duke, A. B.	Chinook	8.00
Dueringer, Wm.	Stearns	3.00
Duffy, James	Silver	11.00
Dysert, J. F.	Glendive	6.00
Earnest, Lula	Miles City	68.00
Eder, Chas.	Augusta	6.00
Edwards, Floyd P.	Laurin	3.00
Ellingson, E. H.	Melville	10.00
Eliel Bros.	Dillon	6.00
Eliel, Leonard	Dillon	44.00
Elling State Bank	Virginia City	57.00
Eide, Gudmond	Rancher	3.00
Fey, A. H.	Gold Butte	45.00
Ferguson, Cary	Libby	3.00
Fitzgibbon, J. J.	Hamilton	9.00
First Nat. Bank	Glendive	39.00
Floweree, W. K.	Lowry	36.00
First Nat. Bank	Miles City	710.00
Ford, R. S.	Great Falls	145.00
" "	" "	3086.00
Fuhrman, A.	Sanders	9.00
George, T. F.	Morris	3.00
Gilt Edge Merc. Co.	Gilt Edge	41.00
Glendenning, Kate H.	Havre	75.00
Gilmer, E.	Norris	9.00
Gilpatrick, Geo. A.	Armells	21.00
Gibson, Grant	Glendive	3.00
Gohn, P. H. Mrs.	Pony	6.00
Greene, A. C.	Greene	9.00
Gorman, Jennie F.	Spokane	18.00
Guyas, Jules	Grant	3.00
Hansen, Jonas	Kibby	9.00
Handel Bros.	Musselshell	51.00
Harris, Ed.	Lame Deer	18.00
Harris, Carl	Dupuyer	149.00

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Hawn, E. J.	Craig	36.00
Harris, John D.	Lloyd	3.00
Harpster, Thomas	Glendive	21.00
Harrison, M. C.	Jackson	35.00
Hart, C. P.	Darby	3.00
Hannon, T. B.	Darby	36.00
Hatfield, B. O.	Josephine	15.00
Haveman, Ludwig.	Rancher	3.00
Heath, Geo. E.	Zortman	22.00
Healy, Ed.	Edgewater	21.00
Henneberry, M. A.	Dillon	9.00
Heron, R. P.	Oswego	3.00
Hirshberg Bros.	Choteau	52.00
Higgins, G. M.	Dorsey	24.00
Hohaus, Alois	W. S. Springs	21.00
Hoskinson, Wm.	Phillipsburg	9.00
Hudson, R. B.	Nye	3.00
Hutchins, R. K.	Lyon	30.00
Imislund, H. P.	Grass Range	3.00
Isaac, Walter	Rancher	12.00
Jacobs, A. R.	Dillon	131.00
Jewett, Chas.	Fishtail	3.00
Johnson, Louis	Bearmouth	3.00
Johnson, C. W.	Forsyth	18.00
Johnson, E. B.	Fulton	9.00
Johnson, Martin	Lolo	3.00
Johnson, B. C.	Grayling	18.00
Johnson, Emil	Melville	20.00
Jones, Chas. M.	Monida	45.00
Kearns, J. P.	Townsend	6.00
Cale, S. Fred	Miles City	56.00
Kennedy, Eveleen	Miles City	223.00
Kingsbury, F. D.	Dupuyer	3.00
King, Chas. N.	Melville	3.00
Kinsey, E. H.	Glendive	15.00
Knudson, Sivert	Wibaux	5.00
Labrie, R.	Harlowton	9.00
Larabie Bros. Co.	Deer Lodge	33.00
Lefrantz, Dan	Lloyd	31.00
Lawson, J. M.	Helena	48.00
Laird, Warner	Darby	3.00

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Laraway, E. W.	Roy	27.00
Latham, Clarence	Columbus	3.00
Lane, Mrs. Wm.	Spanish	24.00
Lehfeldt, L.	Billings	93.00
Lee Merc. Co. P. P.	Cut Bank	75.00
Levin Adolph N.	Craig	5.00
Lofverson, Olof	Merrill	3.00
Long, W. A.	Lewistown	125.00
Lord, Herbert	Darby	12.00
Lyons, George	Twodot	6.00
Lebdell, H. B.	St. Xavier	154.00
Madison State Bank	Virginia City	29.00
Mathews, A. M.	Stanford	139.00
Mauland, Swend	Judith	15.00
Morslek, Geo.	Drummond	3.00
May Bros.	Stevensville	12.00
Merchants Bank	Glendive	30.00
Merrifield, A. W.	Pleasant Valley.	6.00
Medin, Marco J.	Butte	126.00
Miles, Billy & Bro.	Livingston	30.00
Milne, George	Sunnyside	6.00
Miner, J. M.	Anaconda	15.00
Montana Hdw. Co.	Lewistown	23.00
Morrison, Charley	Meadow Creek	12.00
Morris, George L.	Chinook	6.00
Murphy, J. B.	Kalispell	6.00
Mc Alevey, P.	Ekalaka	106.00
Mc Cuistean, Ely	Jordan	23.00
McKnight, Havre	Red Rock	33.00
McKay, Mary S.	Kirksville, Mo.	12.00
McLean, Archie.	Pine Grove	5.00
McNamara & Marlow	Big Sandy	36.00
McNeil, Lucy P.	Miles City	12.00
McNinch, E. B.	Dell	6.00
Mc Querney, John	Deer Lodge	15.00
McVey, Earl	Wisdom	24.00
Nat. Bank of Middlebury	Middlebury, Vt.	608.00
" " " " "		104.00
Negus, Frank	Canyon Creek	33.00
Neville, H. P.	Great Falls	30.00
Newman, A. D.	Billings	48.00

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Nickerson, J. H.	Lyon	54.00
Neilson, Ole	Hathaway	3.00
Olson, Olof J.	Merrill	12.00
Ostee, Thomas L.	Stearns	12.00
Osborn, Geo. A.	Armells	3.00
Pace, John B.	Culbertson	30.00
Parsell, Fred	Gold Butte	3.00
Parker, Howard T.	Avon	3.00
Peck, W. H.	Garneill	6.00
Penwell, David	W. S. Springs	125.00
Peckover, F. W.	Anaconda	9.00
Poorman, J. L.	Lismas	9.00
Quigley, John C.	Cascade	38.00
Ray, Jo.	Lakeview	74.00
Renn, Adolph	Terry	20.00
Richardson, R. S.	Culbertson	36.00
Rolens, Parul	St. Regis	24.00
Roberts, C. B.	Pleasant Valley.	3.00
Ross, Jake	Toston	9.00
Ross, Alex.	Ada	15.00
Romundstad, Ellen F.	Fergus	6.00
Runner, F. E.	Absorakee	3.00
Ryburn, R. H.	Bannock	9.00
Scheuber, Frankie	Livingston	159.00
Schonborn, John	Helena	3.00
Schwant, Charles	Juneau, Wis.	15.00
Schroeder, A.	Forsyth	27.00
Schrader, H.	Howie	3.00
Scott Brothers	Junction	332.00
Scheuber, E. W.	Livingston	195.00
Scheuber, F. A.	Livingston	39.00
Sheridan State Bank	Sheridan, Mont.	6.00
Sherman, A. N.	Clyde Park	3.00
Simms, Joseph	Billings	147.00
Smith, L. P.	Sanders	9.00
Smith, John E.	Lo Lo	3.00
Smith, J. E.	Nye	9.00
Sproule, George	Red Lodge	12.00
Stand Bank	Miles City	126.00
Steele, Agnes F.	Helena	35.00
Stipek, J. J.	Glendive	62.00

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Stokke, Peter	Big Timber	3.00
Steinbach, Henry	Stearns	23.00
Strawbridge, C. H.	Wisdom	20.00
Stockmens National Bank.	Ft. Benton	881.00
Stugh Mitchell Co.	Stanford	79.00
Survant, John	Hinsdale	230.00
Tanner & Best	Culbertson	3.00
Teigan, W. P.	Grass Range	12.00
Temple, Ernest E.	Glendive	6.00
Thompson, Elbert	Lo Lo	9.00
Tice, Thos. D.	Logan	15.00
Tice, Henry W.	Martinsdale	15.00
Tice, Thomas H.	Logan	27.00
Todd, John	Fergus	3.00
Topel, & Bro. H.	Bozeman	141.00
Tooley, P. H.	Twodot	12.00
Truax, Leo. H.	Lima	3.00
Therriault, Michel	Kalispell	598.00
Walker, H. C.	Poplar	39.00
Waldorf, A. F.	Dillon	10.00
Watson, Robert A.	Watson	19.00
Walcott, T. S.	Norris	3.00
Watts, Alex.	Rexford	14.00
Weisner, Louis	Terry	41.00
Weinstein & Co.	Helena	15.00
Webster, R. E.	Kalispell	7.00
Western Etna	Miles City	485.00
Weinstein, H.	Phillipsburg	63.00
Whalen, E. E.	Miles City	21.00
Whitney, H. C.	Billings	31.00
Winset, W. J.	Flat Willow	90.00
Wilson, A. W.	Jackson	3.00
Worden, Tyler	Missoula	21.00
Wright, Alfred	Sandstone	5.00
Wolf & Ryman	Missoula	78.00
Yellowstone Nat. Bank.	Billings	33.00
Yund, Jacob	Helena	15.00
Remington, R. R.	Meadow Creek	3.00
Warner, Arthur	Plains	6.00
Ford, R. S.	Great Falls	3.00
Lawson, J. M.	Helena	204.00

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Green, Albert	Zortman	24.00
Brown, D. W.		3.00
Lohse, Fred		142.00
Medin, Marco J.		186.00
" "		54.00
Miles, Thomas O.		12.00

Section 2.

This Act shall be in full force and effect from, and after its passage and approval.

Approved Feby. 7, 1907.

HOUSE BILL NO. 162.

"An Act appropriating money for the payment of the claims of certain persons against the State of Montana for losses arising from the slaughtering of deseased [diseased?] animals, under provisions of Sections 3005, and 3006 of the Political Code of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Nine Thousand, Seven Hundred and Twenty-two Dollars ($9,722.00) or so much thereof as may be necessary, be, and is hereby appropriated, out of any moneys in the Stock Indemnity Fund in the State Treasury not otherwise appropriated, to pay the following named persons for losses incurred from the slaughtering of deseased [diseased?] animals under the provisions of Sections 3005 and 3006. of the Political Code of the State of Montana:

Ingalls, Perry	600.00
Taylor, J. B.	195.00
McIver, K. B.	550.00
Cox, Geo. B.	625.00
Wagner, Louis	120.00
Roesti, Godfrey	50.00
Boone, J. S.	20.00
Melton, C.	60.00
Connoly, Jas.	400.00
Fitzpatrick & Watt	25.00
Anderson, Geo.	345.00
Rodui, Sam	25.00
Benepe-Owenhouse Co.	32.00

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Walker & Sons	75.00
Aletemeyer, J.	20.00
Ballow, C. A.	200.00
Courtney Bros.	375.00
Para, Bart	675.00
Wentz, Adolph	80.00
Brass, Herman	60.00
Hutchinson, F. B.	225.00
Quast, Otto	300.00
Benninger, Wm.	50.00
Wright, Hugh	490.00
Simon, Nat	25.00
Irwin, W. L.	4,100.00
Total	9,722.00

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amounts set opposite their names, as shown in Section 1, of this Act; and the State Treasurer is directed to pay same.

Section 3.

This Act shall be in force and effect from the date of passage and approval by the Governor.

Approved March 6, 1907.

HOUSE BILL NO. 301.

"An Act Appropriating Money for the Payment of the Claim of Certain Sheriffs of the State of Montana for Expenses incurred in Transporting Prisoners to the Penitentary [Penitentiary?] during the Years 1905 and 1906."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Eight Thousand Eight Hundred Seventy-nine Dollars and twenty cents ($8879.20), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named Sheriffs for expenses incurred in transporting prisoners to the Penitentiary during the years 1905 and 1906:

Frank Mc Donald	$ 791.05
M. D. Gist	199.40

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Ed Hogan	500.50
W. E. Savage	127.50
W. E. Savage	491.75
George B. Williams	262.00
T. J. Fleming	38.00
L. P. Slater	531.65
O. P. Gregg	1372.40
E. M. Reynolds	641.30
F. J. McDonald	26.75
A. V. Gibson	95.00
Peter Scharrenbraich	191.75
Charles L. Kadell	252.45
A. S. Robertson	552.50
J. Z. Northway	496.85
John J. Quinn	368.30
O. A. Fallang	252.50
Kenneth Mc Kenzie	363.30
W. S. Griffith	186.40
C. W. Powell	90.75
W. P. Adams	867.10
Davis Graham	180.00

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

SUB. FOR HOUSE BILL NO. 390.

"An Act appropriating money for the payment of a balance due on mileage allowed by law to Sheriffs for transporting prisoners to the State Prison during the years of 1903 and 1904."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Eight Thousand Thirteen dollars and twenty-one cents, ($8013.21), or so much thereof as may be necessary,

be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated in full and final payment of the following named persons for a balance still due them for mileage allowed to them under Section 4604 of the Political Code for transporting prisoners to the State Prison at Deer Lodge during the years of 1903 and 1904, and for which no appropriation was made by the Ninth Legislative Assembly of Montana:

M. D. Gist	$ 160.85
M. W. Potter	567.65
H. E. Benner	223.20
Geo. B. Williams	719.50
W. E. Savage	846.60
L. P. Slater	657.75
T. J. Fowler	322.10
Jeff O'Connell	44.30
Chas. C. Hill	39.30
C. H. Sherman	44.60
A. S. Robertson	400.05
Chas. Davis	63.10
Joe Northway	184.10
O. A. Fallang	92.60
C. Wallace Taylor	149.15
Harry Casner	941.10
G. W. Hubbard	368.66
Geo. A. Storrar	44.60
John Buckley	686.50
H. W. Thompson	285.50
J. J. Quinn	279.60
O. P. Gregg	807.80
A. V. Gibson	6.50
Granite County	105.10

Section 2.

The State Auditor is hereby authorized and directed to draw warrants in favor of the persons named and for the amounts set down opposite their names, as shown in Section 1 of this Act and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

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HOUSE BILL NO. 63.

"An Act appropriating money for the payment of deficiency claims of the Public Printing for expenses incurred."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Six Thousand Four Hundred and Sixty-Nine Dollars and Seventy-One Cents ($6,469.71), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the expenses incurred by Public Printing:

Independent Pub. Co.	$ 982.45
" " "	172.50
" " "	434.00
" " "	319.25
" " "	11.00
" " "	158.75
" " "	76.50
" " "	131.50
" " "	.60
Bancroft Whitney Co.	894.00
Butte Miner Co.	60.00
Billings Gazette	112.50
Choteau Acantha	112.50
Fergus Co. Argus	112.50
Forsyth Times	112.50
Carbon Co. Republican	56.25
Red Lodge Pickett	56.25
Townsend Star	112.50
" "	7.50
Livingston Enterprise	112.50
Meagher Republican	112.50
Missoulian Pub. Co.	112.50
" " "	7.50
Montana Record Pub. Co.	48.96
" " " "	112.50
Naegale Printing Co.	112.50
Tribune Review	112.50
Pioneer Print. & P. Co.	112.50
Phillipsburg Mail	112.50

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Republican Courier	112.50
" "	7.50
River Press Pub. Co	112.50
Sanders County Ledger	112.50
The Leader Co. Gt. Falls	112.50
Standard Pub. Co	112.50
The Times Pub. Co	112.50
The Inter Lake	112.50
The Basin Progress	112.50
The Tribune	112.50
" "	7.50
Valley Co. News	112.50
Powell County Call	112.50
Dawson Co. Review	112.50
Journal Pub. Co	112.50
The Ravalli Republican	112.50

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set down as shown in Section One of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 93

An Act Appropriating Money for the Payment of the Claims of Certain Persons for Services Rendered and Supplies Furnished in Maintenance of the Capitol Building.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Four Thousand, Seven Hundred and Sixty-Five Dollars and Thirty-Three Cents ($4,765.33), or so much thereof as may be necessary be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished in the maintenance of the Capitol Building in the year 1906:

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A. M. Holter Hdw. Co	$ 5.42
" " "	5.00
" " "	.50
" " "	9.30
" " "	.50
" " "	6.15
" " "	3.92
" " "	4.99
" " "	7.00
House of Good Shepherd	15.30
" "	11.01
" "	4.40
Bieber and Huber	2.50
Helena Ice Co	28.80
" " "	24.80
" " "	24.80
" " "	23.20
Benson Carpenter and Co	2.80
Sanford and Evans	157.61
" "	162.61
" "	1.10
Mrs. Marcus Lissner	24.75
" " "	4.50
Caird and Hawksworth	18.25
Weinstein and Co	4.50
Otis Elevator Co	44.25
T. Kain and Sons	20.00
J. H. Kent	35.00
Sands Bros.	3.00
" "	3.20
J. C. and C. W. Currah	31.20
C. H. Fortman	2.20
W. G. Bennett	5.00
Helena Lt. and Ry. Co	61.15
" " " " "	60.00
" " " " "	60.00
" " " " "	60.00
Helena Water Works Co	116.05
" " "	36.05
" " "	15.45
" " "	10.90

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Western Concrete Co.	
(Assigned to J. H. Rice)	300.00
Part Pay Roll, August	253.17
Pay Roll, Sept	1014.50
" " Oct	982.00
" " Nov	1098.50

(All pay roll assigned to J. H. Rice, Treas.)

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set opposite thier [their?] names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 12, 1907.

HOUSE BILL NO. 64.

"An Act Appropriating Money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home at Twin Bridges, Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Three Thousand, Four Hundred and Eighty-Five Dollars and Seventy-three cents ($3485.73), or such amount thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the deficiency claims of the following named persons for services rendered and supplies furnished the State Orphans Home, at Twin Bridges, Madison County, Montana:

C. H. Virden	$ 23.05
"	54.50
J. F. Dullea	179.05
" "	132.35
Comfort & Gould	210.90
" "	35.35
Harry Redfield	84.00
" "	103.75
Reid & Wilcomb	67.33
" "	113.95

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Twin Bridges L. Co.	190.51
Madison Co. Monitor	6.00
B. J. Brophy & Co.	13.39
Brownfield-Canty Carpet Co.	33.80
W. J. Galahan	109.05
" "	125.80
Arthur Jordan	192.00
" "	51.00
Dr. T. J. Mason	4.00
Amos Eastman	34.00
Pat Carney	31.00
W. M. Oliver	18.00
A. J. Wilcomb	15.00
Marcus L. Elser	23.20
Wiley Mountjoy	4.42
" "	18.43
" "	125.00
May Bartholamew	20.00
Ella Dern	20.00
Wiley Mountjoy	125.00
Henry Henrich	70.00
" "	70.00
Emily Greider	19.00
Mrs. E. Caraway	30.00
Maud Maguire	35.00
Margaratha Sorensen	20.00
" "	20.00
R. R. Tovey	50.00
" "	50.00
Mrs. J. J. Griffith	35.00
" "	35.00
Mrs. A. Desmeris	30.00
" "	30.00
Ella Carney	30.00
" "	30.00
Rose Carney	30.00
" "	30.00
Jessie Cowan	50.00
" "	50.00
Bertha Erickson	19.50
Mrs. Joe O'Leary	15.00

Mrs. Ora Hanna	23.40
Belle Mickelberry	30.00
" "	30.00
Lydia Emerson	30.00
" "	30.00
Clara Winegart	40.00
" "	40.00
Edith Winegart	30.00
" "	30.00
Mrs. H. L. Willett	45.00
" "	45.00
Mrs. C. M. Nicholson	30.00
" "	30.00
Jessie Spencer	35.00
Eunice Spencer	35.00
Jacob Sayger	35.00
" "	35.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 70.

"An Act appropriating money for the payment of deficiency claims of the state encampment of 1905 of the National Guard of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Three Thousand Two Hundred and Eighty-two Dollars and Thirty-five Cents ($3,282.35) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons for services rendered:

Edward Sanderson	$ 15.00
D. E. Evans	15.00

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W. B. Brinton	22.50
Oscar Sonjanen	20.00
Kansta Punmala	20.00
M. J. Walsh	27.50
Barney Rydberg	17.50
Edward J. Ewing	15.00
August Benson	17.50
A. A. Grady	22.50
John Honkala	20.00
Ephriam Keutta	20.00
Martin Leeman	20.00
George Loomis	15.00
Adolph Thompson	15.00
Emil Sandine	15.00
Harold J. Fliger	16.00
Alex Antilla	15.00
Gust Niemi	20.00
Alfred Hongell	20.00
Emil Linden	20.00
Henry Matson	20.00
Oskar Patana	20.00
Charles A. Banker	15.00
Hubert Logan	14.40
Emil Erickson	15.00
Edward Fuson	16.00
Charles Widberg	15.00
Lew Martin	16.00
J. H. Merrill	15.75
E. A. Logan	22.50
Earl Simpson	15.00
Theo. Wesenberg	13.50
Fred Birch	15.00
Frank J. Lee	15.00
Thomas Agnew	15.00
Asa F. Lanphear	15.00
Jacob Young	17.50
Emil Antila	15.00
Emil Carlson	15.00
Geo. Odell	15.00
Emil Saari	15.00
John Toothaker	15.00

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Henry Davis	15.00
Harry Van Dyke	15.00
H. A. Hitchcock	14.40
Geo. Sproule	15.00
Charles L. Hawkins	15.00
Fred Denton	17.50
C. C. Granstrom	17.50
Wm. Kelsey	20.00
David Leidahl	16.00
Curtis Lanphear	16.00
James H. Berry	16.00
Joseph E. Santerre	15.00
Jesse Byers	15.00
Herman Weir	15.00
Arthur Maddox	15.00
John Granstrom	15.00
H. Bridger	15.00
Andrew Pitkala	20.00
Fred Popenhagen	15.00
Rhesis Fransham	12.00
Mat Makela	20.00
Elmer Anderson	20.00
Charles J. Mattila	20.00
Eric Asaila	20.00
Uno Sjoblom	20.00
Ephraim Laakkonen	20.00
Victor Aho	20.00
Eric Maki	20.00
Charles Murphy	15.00
Dan Johnson	15.00
Rhesis Fransham	15.00
Albert Friestad	15.00
George Gurrell	15.00
L. A. Turner	15.00
Harry Dion	4.50
John H. Pennington	17.50
Earl Atkins	15.00
Frank M. Kelley	15.00
Joseph Foss	15.00
F. P. Leiper	4.50
Frank P. Manly	15.00

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Anthony Dreyer	15.00
Val W. Fetch	15.00
Lewis Elliott	15.00
Jesse F. Dawe	15.00
John W. Harsenail	16.00
Frank A. Parrott	15.00
Einar Rivenes	17.50
Lester G. Lanphear	15.00
John C. Russell	15.00
Wm. Twibble	15.00
Downey Thomas	15.00
Chas. White	15.00
Albert Imgrund	15.00
George Muxlow	17.50
Austin E. Kiser	16.00
Albert H. Wyman	16.00
Dominick C. Thomas	15.00
Frank C. Erdman	17.50
Fred Gonyea	15.00
Charles R. Mitchell	15.00
Arthur A. Baker	22.50
John A. Mitchell	22.50
Dan J. Donohue	27.50
J. H. Maskimen	17.50
L. E. Fellows	15.00
Hans J. Halvorsen	10.50
David H. Cakeley	17.50
Alex Burril	15.00
Joe Machemer	16.00
H. E. Lawson	17.50
A. M. Maxeiner	27.50
August Steensland	15.00
Nicholas J. Tintinger	15.00
Oswald Crest	15.00
Edmond Erickson	17.50
James Bailey	15.00
Edward Adam	15.00
Allen Dodge	16.00
Hugh Pound	15.00
Ernest George	15.00
George A. Pound	16.00

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Theodore Marley	15.00
Sam Pound	15.00
John A. Dodge	15.00
Ernest Patterson	17.50
Stuart Nickolson	15.00
William Bailey	10.50
Fred B. Hall	15.00
Warren W. West	15.00
Alfred E. Walker	6.00
Arthur T. Ellison	15.00
Wm. Budd	17.50
Frank Provost	9.00
J. H. White	27.50
George W. Post	22.50
Frank Gullie	15.00
W. A. Stevens	15.00
Monroe P. Huffin	15.00
Sam D. Solberg	16.00
Wesley Davis	15.00
George R. Reynolds	17.50
H. A. Sshwen	15.00
Clarence Farnsworth	15.00
Ellsworth C. Wiese	16.00
Harry Cedargren	15.00
Everett M. Birely	15.00
Chris D. Hoyt	15.00
Willard C. Dawes	6.00
Orville W. Barrows	15.00
Gilman Camp	15.00
Irving E. Beeman	17.50
Clifford E. Chase	16.00
Fred W. Bossler	15.00
Eldred C. Crawford	20.00
Roscoe F. Allen	15.00
Wm. H. Chase	15.00
Wm. D. Suydam	17.50
LeRoy E. Torrance	17.50
Harry S. Wilson	16.00
Charles Calloway	15.00
Ervin Phipps	15.00
Jay Morrison	15.00

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Preston Minor	15.00
Thomas Logan	15.00
Wm. Parker	15.00
Howard Housh	15.00
Frank Swim	15.00
Dick Logan	15.00
Lemuel E. Gibson	12.00
Elias Rorvik	15.00
Durfee W. Fall	10.50
Ted Burdick	15.00
Vience L. Audry	15.00
Lloyd Dieltz	15.00
S. G. Zeans	27.50
Thomas O'Connor	15.00
John Kissinger	15.00
James L. Tiddy	15.00
M. Mullany	15.00
Wm. Leaton	16.00
Ray D. Ott	15.00
L. P. Sanders	27.50
Timothy J. McAuliffee	20.00
Alvin P. Nipgen	27.50
George Andrews	15.00
Donald Butter	17.30
Butte Cab & Transf. Co	8.00
A. A. Grady	168.00
Thad C. Pound	13.50

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amounts set down opposite their respective names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in force and effect from, and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 61.

An Act Appropriating money for the payment of Deficiency Claims of certain persons for services rendered and supplies furnished the State Reform School.

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Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Three Thousand Two Hundred and Sixty-three Dollars and Forty-two cents ($3263.42) or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons for services rendered and supplies furnished the State Reform School:

W. E. Savage	$ 38.25
J. A. Weaver	202.88
W. B. Jordan Merc. Co.	90.37
" "	120.65
Central Meat Market	45.80
" " "	104.91
Lakin, Westfall & Co.	41.92
" " "	813.34
Golden Rule Store	27.00
" " "	16.68
Montana Hdw. Co.	51.80
" " "	74.45
C. E. Coggshall	102.42
Geo. K. Foster & Co.	16.65
W. C. Jackson	.60
F. Orschal & Co.	23.00
City of Miles City	104.05
Shore Newcom Co.	17.80
H. H. Hubbard	83.45
John J. Quinn	11.55
Lloyd Jones	45.00
W. W. Andrus	138.00
Rocky Mtn. Bell Tel. Co.	3.75
A. R. McKee	23.30
O. M. Mull	23.25
Ben Levalley	2.00
W. M. Taylor	16.80
J. B. Hawkins	125.00
Ernest Hardy	45.00
" "	50.00
Edna Tiffany	20.00
Ella Dickison	12.00
C. D. Terrett	15.00
" "	16.25

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Nannie E. Hawkins	50.00
Mrs. J. B. Hawkins	50.00
Erbain Bouchard	40.50
" "	45.00
John Fliechek	75.00
" "	75.00
Odell Strickland	45.00
" "	45.00
Curtis Rinehart	45.00
" "	45.00
Jos. C. Smith	35.00
E. A. Anderson	50.00
" "	50.00
Arthur Mahoney	40.00
A. A. Strickland	50.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set opposite their names, as shown in Section One, of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from, and after its passage and approval by the Governor.

Approved Feby. 1, 1907.

HOUSE BILL NO. 172.

"An Act Appropriating Money for the Payment of Deficiency Claims in Connection with the Meat and Milk Inspector's Office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two Thousand Eight Hundred Fifteen Dollars and Thirty-seven cents, ($2,815.37) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for services and supplies:

T. J. Sullivan	$500.00
W. H. Campbell	250.00
Thomas D. Pleasants	277.70
R. A. Dennis	500.00

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N. B. Smith	125.00
James H. Irwin	416.60
A. H. Cheney	476.52
Parchen Drug Co.	10.45
H. C. Gardiner	259.10

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set down, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect, from and after its passage and approval.

Approved Feby. 20, 1907.

HOUSE BILL NO. 154.

"An Act Appropriating money for the payment of Deficiency Claims of Certain Persons for Services rendered, and Material Furnished the State Veterinarian."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Thousand Six Hundred and Fifty Dollars and Ninety Cents ($1,650.90), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons for services rendered or material furnished the State Veterinarian:

Northern Pacific Express Co.	$ 2.50
Northern Express Co.	6.80
Independent Publishing Co.	42.80
State Publishing Co.	119.48
" " "	9.34
" " "	3.71
" " "	3.20
Postal Telegraph Co.	1.60
Western Union Tel. Co.	9.81
" " " "	7.57
" " " "	44.19
" " " "	34.24

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" " " "	28.06
" " " "	23.80
" " " "	16.76
" " " "	21.83
Great Northern Exp. Co.	1.30
E. D. Nash	41.10
" "	62.50
" "	100.30
" "	85.00
" "	225.70
" "	101.15
" "	129.65
M. E. Knowles	135.75
" "	72.10
" "	77.90
" "	127.76
" "	115.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 18, 1907.

HOUSE BILL NO. 194.

"An Act appropriating money for the restoration and maintenance of Old Fort Benton and providing for the appointment of a Board of Trustees for the management thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Eight Hundred Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for the purpose of aiding in the restoration and maintenance of the old Fort located in the Town of Fort Benton, County of Choteau, Montana; provided, however, that before any of the said sums hereby appro-

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priated is expended the town council of the town of Fort Benton shall by ordinance, provide for the setting apart and dedication as a public place or park of the ground or square upon which the said building stands, with suitable approaches thereto and for the protection of the said ground and building.

Section 2.

The Governor of the State of Montana is hereby directed and empowered to appoint a Board to be known as the Board of Trustees of old Fort Benton, consisting of three members. Each member of the said Board shall be an actual resident of the State of Montana, and a member of the organization known as the Daughters of the American Revolution.

The members of said Board shall hold office for the term of two years, and until their successors are appointed and qualified, and in case of a vacancy in said Board from death, resignation or otherwise, the Governor shall fill such vacancy by appointment.

The Board may organize by the election of one of its members as President, and some suitable person as Secretary and may make all rules and regulations for its own government. The members shall receive no compensation for the performance of any services hereunder.

Section 3.

The Board of Trustees shall have power and it shall be their duty to expend the sums of money hereby appropriated and all other sums which they may hereafter receive from any source in the restoration of the old Fort to its original condition, and in the maintenance of the same, as a public place.

The said Board shall have power to receive, hold and expend any and all sums of money which may be donated to it or left it by Will of private individuals for the purposes for which it is hereby created.

Section 4.

It is the duty of the Board to audit all bills for expenses incurred in the restoration and maintenance of said building under the provisions of this Act, and when drawn against the fund hereby appropriated, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when approved by said Board the State Auditor shall draw a warrant on the State Treasurer in favor of the person or persons entitled to the said several sums payable out of the fund created by this appropriation.

Section 5.

The Board must make a report in writing to the Governor on or be-

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fore the 20th day of December in each year preceding the meeting of the Legislative Assembly of the State of Montana, which said report must give a statement of the transactions of the Board so far as regards the appropriations made therefor by the State.

Section 6.

The Board of Trustees shall have power to make such rules and regulations for the preservation of the said buildings and grounds and their use by the public as they may deem fit, not inconsistent with law or the ordinance of the town of Fort Benton.

Section 7.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 133.

"An Act Providing for the Payment of Deficiency Claims in Certain State Offices."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seven Hundred and Seventeen Dollars and Eighty-three Cents ($717.83) or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following claims:

National Guard:

Gt. Nor. Express Co.	$ 5.60
Adams Heating & Plumbing Co.	10.70
St. Peters Hospital	3.00
S. G. Jeans	30.00
Gans & Klein	25.00
R. C. Monahan	2.50
Postal Telegraph Co.	6.02
Paxson & Rockefeller	123.70
Western Union Tel. Co.	14.88
" " " "	14.16
" " " "	.20
Helena Hdw. Co.	25.17

Inoculating Coyotes.

M. M. Henniger	45.90
M. E. Knowles	14.40

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Sundry State Officers.

Rocky Mtn. Bell Tel. Co.	10.50
" " "	21.75
" " "	5.30
" " "	247.75

Law Library:

State Publishing Co.	1.30

Special Appropriation:

Aetna Bank & Trust Co.	38.80
J. H. Rice	10.00

Coal Mine Inspectors:

Great Northern Express Co.	12.10

State Engineer Field & Office Exp.:

Robert Follanbee	49.10

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set opposite thier [their?] names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 18, 1907.

HOUSE BILL NO. 206.

"An Act appropriating money for the payment of deficiency claims in maintenance of Capitol Building."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Six Hundred, Seventeen Dollars and Fifty-six Cents ($617.56), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following claims for supplies and service:

Western Concrete Company	$250.00
Andrew Lind	77.00
Sanford & Evans (Defc'y 1904)	290.56

Section 2.

The State Auditor is hereby authorized and directed to draw his

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warrants in favor of the persons named, for the amounts set down opposite their names, as shown in Section 1. of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 26, 1907.

HOUSE BILL NO. 210.

"An Act Appropriating money for the payment of deficiency claims of the State Encampment of 1905 of the National Guard of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Six Hundred Twelve Dollars and Fifty Cents, ($612.50) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons for services rendered:

Wm. A. Halligan,	$ 16.00
A. R. Walter,	15.00
Walter Van Enen,	15.00
Clark Forgerson,	15.00
Dee Thomas,	15.00
Lon R. Stevens,	15.00
Theo. S. Slack,	15.00
E. L. Simon,	15.00
Ray Paul,	15.00
T. W. Pennoyer,	15.00
Andrew Parent,	15.00
Hans Nylund,	15.00
Dan McCarthy,	15.00
Harold Marsden	15.00
James H. Marsden,	15.00
R. W. Hunter,	15.00
Matt. Hemmer,	15.00
Charles J. Hemmer,	15.00
E. N. Herbert,	15.00
Orrin F. Head,	15.00

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Wm. W. Gaston,.....	15.00
Geo. Fauvor,.....	15.00
Zenas P. Edwards,.....	15.00
Mark L. Deering,.....	15.00
Wm. L. Davis,.....	15.00
Chas. H. Christenson,.....	15.00
Robt. W. Gates,.....	15.00
Robt. N. Eaton,.....	22.50
Harry H. Belless,.....	16.00
Louis Anderson,.....	16.00
C. P. Christenson,.....	16.00
Edward H. Getchell,.....	16.00
J. G. McArthur,.....	17.50
Chas. N. Powers,.....	17.50
Frank F. Modesette,.....	17.50
James J. Snell,.....	17.50
Ralph L. Harmon,.....	17.50
Chas. M. Bennett,.....	17.50
Max Wendt,.....	15.00

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amounts set down opposite their respective names, as shown in Section 1, of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Feby. 25, 1907.

HOUSE BILL NO. 126.

"An Act Appropriating Money for the Payment of Certain Deficiency Claims account of State Game and Fish Warden."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Four Hundred and Nineteen Dollars and Forty-one cents ($419.41), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the Fish and Game Fund not otherwise appropriated to pay the following named persons for services rendered to the State Game and Fish Warden:

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Great Northern Express Co.	$ 19.14
Rocky Mtn. Bell Tel. Co.	87.10
W. F. Scott	114.65
" "	131.75
State Publishing Co.	3.20
" " "	1.30
Northern Exp. Co.	15.15
" " "	2.05
Independent Pub. Co.	21.40
" " "	11.00
Western Union Tel. Co.	2.15
" "	6.10
" "	4.42

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set down opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Feby. 18, 1907.

HOUSE BILL NO. 183.

"An Act approving bounty claim of Stockmen's National Bank, of Fort Benton, Montana, and providing for payment thereof."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the claim of Stockmen's National Bank of Fort Benton, Montana, in the sum of three hundred and ninety dollars, heretofore presented to the State Board of Examiners, on an assigned certificate for bounty on wild animals, originally issued to one, Will Hedrick, be and the same is hereby approved in said sum, and there is hereby appropriated out of any moneys in the State Bounty Fund, not otherwise appropriated, the sum of three hundred and ninety dollars to pay the said claim of Stockmen's National Bank of Fort Benton, Montana.

Section 2.

The State Auditor is hereby authorized and directed to draw his

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warrant in favor of the bank above named in the amount specified in Section 1 of this Act.

Section 3.

This Act shall take effect and be in force from and after its passage.

Approved March 6, 1907.

HOUSE BILL NO. 321.

"An Act Appropriating Money for the Payment of Deficiency Claim of Rocky Mountain Bell Telephone Company."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Three Hundred and Seventy-eight Dollars and Eighty-four cents ($378.84) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the payment of the following claims: rent and toll charges:

Capitol Building,	$ 54.25
Attorney General	6.00
Governor,	12.75
Mine Inspector,	15.11
Boiler Inspector,	8.60
Historical Library,	17.45
Bureau Child & Animal Protection	1.50
Bureau A. L. & I.	7.70
Treasurer,	12.50
Veterinarian,	57.84
Supt. Public Instruction	146.14
Secretary of State,	9.00
Clerk Supreme Court	12.00
Law Library,	6.00
Auditor,	6.00
Board of Examiners,	6.00

Section 2.

The State Auditor is hereby authorized and directed to draw his warrant in favor of the Rocky Mountain Bell Telephone Company for the amount set down as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1907.

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HOUSE BILL NO. 320.

"An Act Appropriating Money for the Payment of Deficiency Claim of Rocky Mountain Bell Telephone Company, account Fish and Game Fund."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seventy-eight Dollars and Ninety-nine Cents ($78.99) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Fish and Game Fund not otherwise appropriated for the payment of the following claim:

State Fish & Game Warden.....$78.99

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the person named for the amount set down as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage.

Approved Feby. 28, 1907.

HOUSE BILL NO. 323.

"An Act appropriating money for the payment of deficiency claims, account requisitions."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Three Hundred and Thirty-three Dollars and Thirty Cents ($333.30), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following requisition claims of sheriffs for transfer of prisoners:

John J. Quinn,.....$198.90

M. W. Potter,..... 134.40

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named for the amounts set down opposite their names as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1907.

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HOUSE BILL NO. 350.

"An Act to appropriate the sum of Three Hundred and Seventy-Five Dollars ($375.00) to pay Dr. George H. Putney for services as Meat and Milk Inspector for Missoula County, for the months of December, 1904, and January and February, 1905."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That there be and hereby is appropriated out of the general fund of the State of Montana not otherwise appropriated the sum of Three Hundred and Seventy-Five Dollars ($375) to pay Dr. George H. Putney for his services as Meat and Milk Inspector in the County of Missoula, for the months of December, 1904, and January and February, 1905.

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the said George H. Putney, for the said amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 92.

An Act Appropriating Money for the Payment of Deficiency Claims of Certain Persons for Rewards.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Six Hundred ($600.00) Dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the following named persons for rewards:

R. G. Pritchard,.....$150.00
E. J. Pepper,..... 150.00
Geo. H. Laub,..... 300.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amount set down

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opposite thier [their?] names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 12, 1907.

HOUSE BILL NO. 402.

"An Act appropriating money for the repairing of the roof of the State Arsenal at Helena, Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two Hundred and Fifty Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, for the repairing of the roof of the State Arsenal at Helena, Montana.

Section 2.

The State Furnishing Board is hereby authorized and directed to advertise for bids for the completion of the necessary repairs to said roof, and to let the contract for same to the lowest responsible bidder, who must furnish bond in such amount as is required by said board.

Section 3.

This Act shall be in full force from and after its passage and approval.

Approved March 7, 1907.

HOUSE BILL NO. 49.

"An Act Appropriating Money for the Purchasing and Erecting in the Main Hall of the Capitol, a Bronze Tablet to the memory of Captain James Williams."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two hundred fifty ($250.00) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to purchase a bronze tablet to the memory of Captain

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James Williams, and to pay for its erection in the main hall of the Capitol.

Section 2.

That the Governor and Secretary of State shall select the words and arrange the lettering upon the tablet, decide its size and shape and cause the same to be placed in the main hall of the Capitol.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 13, 1907.

HOUSE BILL NO. 113.

"An Act Appropriating Money for the Payment of Deficiency Claims of the Bureau of Child and Animal Protection for Expenses incurred."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Hundred and Seventy-Four Dollars and Thirty-Two Cents $(174.32), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the Bureau of Child and Animal Protection for expenses incurred in the following claims:

Western Union Tel. Co.	$ 1.32
Otto F. Schoenfeld,	115.25
" "	57.75

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set down, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 12, 1907.

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HOUSE BILL NO. 95.

"An Act Appropriating Money for the Payment of Claims of Certain Persons for Services Rendered and Supplies Furnished the State Board of Horticulture."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Hundred and Seventy-two Dollars and five cents ($172.05), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following named persons for services rendered and supplies furnished the State Board of Horticulture:

C. C. Willis,	$66.90
E. M. Tucker,	32.55
Fred Whiteside,	63.20
James O. Reed,	11.40

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amount set opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 13, 1907.

HOUSE BILL NO. 94.

"An Act Appropriating Money for the Payment of Deficiency Claims for expense of Attorney General."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Hundred and Sixty-Three Dollars and Eighty Cents ($163.80) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following expense of Attorney General for services rendered or material furnished:

Hibbard & Van Hook	$ 8.00
Western Union Telegraph Co.	1.12

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State Pub. Co.	.50
" " "	36.18
Jas. B. Toughill,	20.00
E. M. Hall,	20.35
Ed Hogan,	5.20
L. A. Walker,	70.35
Helena Lt. & Ry. Co.	.60
Albert Galen,	1.50

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set opposite their names as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 12, 1907.

HOUSE BILL NO. 72.

"An Act Appropriating Money for the Payment of Certain Deficiency Claims in Connection with the State Examiner's Office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two Hundred and Twelve Dollars and Forty-Eight cents ($212.48), or as much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for expenses incurred:

Independent Pub. Co.	$ 21.20
State Pub. Co.	3.48
T. E. Collins, Jr.	46.15
F. H. Ray	24.40
Underwood Typewriter,	117.25

Section 2.

The State Auditor is hereby authorized to draw his warrant in favor of the persons named to the amounts set down, as shown in Section 1, of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 5th, 1907.

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HOUSE BILL NO. 208.

"An Act Appropriating Money for the payment of deficiency claim in connection with the office of Attorney General."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Hundred and Fifty Dollars ($150.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of the following claim:

F. W. Mettler.....$150.00

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the person named, for the amounts set down opposite his name as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 27, 1907.

HOUSE BILL NO. 207.

"An Act Appropriating money for the payment of deficiency claims account of Supreme Court."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Fifty-eight Dollars and Thirty Cents ($58.30), or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for services rendered;

F. W. Metter,.....$43.70
W. E. Davis,..... 14.60

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named for the amounts set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved Feby. 26, 1907.

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HOUSE BILL NO. 322.

"An Act Appropriating Money for the payment of claim of J. M. Lewis for service and for Expenses Incurred.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seventy-Nine Dollars and Ninety ($79.90) Cents, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claim for service and expense incurred, account General Fund:

J. M. Lewis.....$79.90

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the person named for the amount set down, as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 2nd, 1907.

HOUSE BILL NO. 388.

"An Act Appropriating Money for the payment of Claim of S. A. D. Hahn, for services."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Sixty-One Dollars and Fifty Cents ($61.50) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named person for services rendered:

S. A. D. Hahn.....$61.50

Section 2.

The State Auditor is hereby authorized to draw his warrant in favor of the person named for the amount set down, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

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HOUSE BILL NO. 282.

"An Act Approving certain Duplicate Bounty Certificates and Appropriating Money for the payment thereof.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

That whereas the County Clerk of Rosebud County, Montana, on Jan. 2, 1905, issued a bounty certificate to G. F. Jordan, S. Fred Cale assignee, for the sum of Forty-Two ($42.00) Dollars and also that whereas the County Clerk of Custer County, Montana, on July 3, 1901 issued a bounty certificate to H. N. Gilmore, H. B. Wiley assignee, for Ten ($10.00) Dollars; and whereas each of these original bounty certificates have been lost and the same have never been presented to or paid by the State of Montana; and whereas the State Board of Examiners have refused to allow and order paid duplicate bounty certificates, issued in lieu thereof, by said County Clerks and thereupon referred the payment of said duplicate bounty certificates to the Legislative Assembly of Montana for what ever action may seem best, therefore said duplicate bounty certificate for Forty-Two ($42.00) Dollars issued by the County Clerk of Rosebud County, Montana, in favor of G. F. Jordan, S. Fred Cale assignee, and also duplicate bounty certificate issued by the County Clerk of Custer County, Montana, to H. N. Gilmore, H. B. Wiley assignee, and in lieu of certificates for the same amount lost by each of them, and which duplicates were presented to the State Board of Examiners and referred by it to the Legislative Assembly, are hereby approved in the sums above set forth, and there is hereby appropriated out of any money in the State Bounty Fund the sum of Fifty-Two ($52.00) Dollars to pay said claims.

Section II.

The State Auditor is hereby authorized and directed to draw his warrants in favor of S. Fred Cale for Forty-Two ($42.00) Dollars, and H. B. Wiley for Ten ($10.00) Dollars as set forth in Section I of this Act.

Section III.

This Act shall be in full force and effect from and after its passage.

Approved March 6, 1907.

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HOUSE BILL NO. 71.

"An Act Appropriating Money for the Payment of Certain Deficiency Claims in Connection with the State Auditor's Office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seventy-four Dollars and Seventy eight cents ($74.78) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for expenses incurred:

Western Union Tel. Co.	$ 1.65
" " " "	3.37
" " " "	1.88
" " " "	.68
" " " "	.40
Great Northern Exp. Co.	.54
Glass & Prudhomme Co.	4.71
Charles L. Wilson	55.00
State Pub. Co.	6.55

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named to the amounts set down as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 5, 1907.

HOUSE BILL NO. 111.

An Act Appropriating Money for the Payment of Certain Deficiency Claims in Connection with the Adjutant General's Office.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Eighty Dollars and Twenty-five cents ($80.25) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for expenses incurred:

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John McGuinness .....$ 7.00
N. P. Ry. Co..... 39.70
N. P. Ry. Co..... 33.55

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named to the amounts set down as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 110.

"An Act Appropriating Money for the Payment of the Claim of Board of Charities and Reform for Expenses incurred."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Forty-Nine Dollars and Ninety cents $(49.90) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the following claim for expenses incurred:

D. B. Price.....$49.90

Section 2.

The State Auditor is hereby authorized to draw his warrant in favor of the persons named for the amount set down, as shown in Section 1. of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 112.

"An Act Appropriating Money for the Payment of Certain Deficiency Claims in Connection with the State Treasurer's Office."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Seventeen Dollars and twenty-five cents

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($17.25) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claims for expenses incurred:

Western Union Tel. Co	$ .25
J. H. Rice	17.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named to the amounts set down as shown in Section 1 of this Act, and the State Treasurer is hereby directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

HOUSE BILL NO. 387.

"An Act appropriating money for the payment of certain claims for expenses incurred by the committee appointed to investigate the car and coal shortage in Montana:

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Sixty one Dollars and Sixty Cents or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying the following claims for expenses incurred:

John Bean	$43.60
John E. O'Connor	6.00
Alexander MaCauley	6.00
W. R. Allen	6.00
	$61.60

The State Auditor is authorized to draw warrants for the above persons for the amounts set opposite their names, and the State Treasurer to pay same on presentation by the proper person.

Section 2.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1907.

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HOUSE BILL NO. 412.

"An Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Prison at Deer Lodge."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of $140.40 or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses incurred by said committee.

Senator J. E. Edwards, 234 miles	$23.40
Senator Charles Mc Connell, 234 miles	23.40
Hon. T. M. Swindlehurst, 234 miles	23.40
Hon. Joseph Corby, 234 miles	23.40
Hon. W. A. Tudor, 234 miles	23.40

Section 2.

The State Auditor is hereby authorized to draw warrants in favor of the persons named for the amounts set down as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1907.

HOUSE BILL NO. 109.

"An Act Appropriating money for the deficiency claim of certain persons, for supplies furnished account of Farmers Institute.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Twenty Dollars and seventy cents, ($20.70) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the following named persons for supplies furnished the State of Montana account of Farmers Institute, to-wit: Independent Pub. Co., Twenty Dollars, and Seventy Cents, ($20.70).

Section 2.

The State Auditor is hereby authorized to draw his war-

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rants in favor of the persons for the amounts set opposite their names, as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 7, 1907.

SENATE BILL NO. 129.

An Act, entitled: "An Act authorizing the State Furnishing Board to purchase cabinets for the departments of State Mine Inspector and State Coal Mine Inspector, and for the House of Representatives, and appropriating money to pay for the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

The State Furnishing Board of the State of Montana is hereby authorized to purchase two metallic map and file cabinets for the departments of the State Mine Inspector and the State Coal Mine Inspector, and one four-compartment locker, and one wooden bill cabinet for the use of the House of Representatives.

Section II.

The sum of seven hundred and thirty-nine dollars or as much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund of the state, not otherwise appropriated, to pay for the said cabinets and locker.

Section III.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1907.

SENATE BILL NO. 102.

An Act, entitled: "An Act to provide a silver service for the United State Cruiser "Montana," and to appropriate money to purchase the same."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section I.

The Governor shall forthwith appoint a commission of three persons, who shall, as soon as possible after their appointment, select

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and purchase for the State of Montana, and, thereafter, in its name and on its behalf, present and deliver to the officers in charge of the United States Cruiser, named "Montana," now in process of construction, in trust for said United States Cruiser, a suitable set of silver-ware and service, suitably engraved, at a cost of not exceeding six thousand dollars.

Section II.

They shall serve without compensation, and their functions shall cease with the delivery of said silverware and service.

Section III.

There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of six thousand dollars to pay for said silverware and service.

Section IV.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1907.

HOUSE BILL NO. 67.

"An Act to Appropriate Money for the Payment of the Deficiency Claim of Mitchell and Mussigbrod for the Care of Patients of the Insane Asylum for the year 1906."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Twenty-seven Thousand Six and Sixty-Eight Hundredths ($27,006.68) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the the year 1906.

Section 2.

The State Auditor is hereby authorized and directed to draw his warrants in favor of the persons named, and for the amount as shown in Section 1 of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 13, 1907.

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HOUSE BILL NO. 376.

"An Act appropriating money from the General Fund to be placed to the credit of the Stock Indemnity Fund.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section—1.

That there is hereby appropriated out of the moneys in the hands of the State Treasurer belonging to the General Fund, not otherwise appropriated, for the year 1907, Five Thousand Dollars, which shall be by the Treasurer credited to the Stock Indemnity Fund and used for the purposes for which that fund is dedicated.

Section—2.

That there is hereby appropriated out of the moneys in the hands of the State Treasurer belonging to the General Fund, not otherwise appropriated, for the year 1908, Five Thousand Dollars, which shall be by the Treasurer credited to the Stock Indemnity Fund and used for the purposes for which that fund is dedicated.

Section—3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1907.

HOUSE BILL NO. 364

"An Act to pay employees of the Senate and House, as provided in Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Part 3, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Hundred Dollars (100.00) be, and the same is hereby appropriated to pay, in accordance with Section 209, Part 3, Title 1, Chapter 2, Article 4, and as provided for in Section 223, Title 1, Chapter 2, Article 5, of the Political Code of the State of Montana, as follows, to-wit:

Chas. E. Wight, Secretary of the Senate...$50.00
Chas. B. Gibbs, Chief Clerk of the House.... 50.00

Total.....$100.00

Section 2.

The State Auditor is hereby authorized and directed to draw

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his warrant in favor of said Chas. E. Wight and Chas. B. Gibbs for the sum of Fifty Dollars respectively and the State Treasurer is directed to pay the same.

Section 3. This Act shall be effective from and after its passage and approval by the Governor.

Approved March 7, 1907.

HOUSE BILL NO. 102.

"An Act Appropriating Money for the Payment of the Expenses of Dr. H. J. Ricketts, when Investigating the Cause and Cure of Spotted Fever."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two Thousand Dollars ($2000.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay the expenses to be incurred by Dr. H. J. Ricketts and assistants, when engaged, during the year 1907 in investigating the cause and cure of Spotted Fever.

Provided, that the investigation and all experiments made by said Dr. H. J. Ricketts be reported to the State Board of Health of the State of Montana, and become a permanent record of said Board.

Section 2.

The said H. J. Ricketts shall monthly make an account of his expenses, verified by affidavit to the State Board of Examiners, who shall, in the manner provided by law, examine, and if found correct, allow the same.

Section 3.

The State Auditor is hereby authorized to draw his warrant in favor of the said H. J. Ricketts, for the amount so allowed by the State Board of Examiners, and the State Treasurer is directed to pay the same.

Section 4.

This Act shall be in force and effect from and after its passage and approval by the Governor.

Approved Feby. 18, 1907.

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HOUSE BILL NO. 91.

"An Act Appropriating Money for the Payment of Deficiency Claim of John J. Quinn for expenses incurred."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of Two Hundred Twelve Dollars and Twenty-Five Cents ($212.25) or so much thereof as may be necessary be, and the same is, hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following claim:

John J. Quinn.....$212.25

Section 2.

The State Auditor is hereby authorized to draw his warrant in favor of the person named, for the amount set down opposite his name, as shown in Section 1. of this Act, and the State Treasurer is directed to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feby. 12, 1907.

HOUSE BILL NO. 173.

"An Act Appropriating money for the payment of deficiency claims in connection with the State Veterinarian's office for clerical hire."

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

That the sum of One Thousand Three Hundred and Forty-eight (1,348.00) Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons for services rendered:

Andrew J. Mc Connell.....	24.00
" "	100.00
" "	100.00
" "	50.00
Charles L. Wilson.....	24.00
C. J. Tucker	50.00
" "	100.00

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"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00
"	"	.....	100.00

Section 2.

The State Auditor is hereby authorized to draw his warrants in favor of the persons named, for the amounts set opposite thier [their?] names, as shown in Section 1, of this Act, and the State Treasurer is directed [directed?] to pay the same.

Section 3.

This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1907.

SENATE JOINT RESOLUTION NO. 1.

A Resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of The United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas, a large number of the State Legislatures have, at various times, adopted memorials and resolutions in favor of the election of United States Senators by popular vote;

And, Whereas, the National House of Representatives has, on several occasions within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate;

And, Whereas, Article V of the Constitution of the United States provides that Congress, on the application of the Legislatures of two-thirds of the several states, shall call a convention for proposed amendments;

And, Believing there is a general desire upon the part of the citizens of the State of Montana that the United States Senators should be elected by a direct vote of the people; therefore,

Be it Resolved (if the House concur) that the Legislature of the

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State of Montana favors the adoption of an amendment to the Constitution, which shall provide for the election of United States Senators by popular vote, and joins with other states of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each state by direct vote of the people.

Resolved, that a copy of this joint resolution and application to Congress for the calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, the Speaker of the House of Representatives, and, also, to each of the United States Senators from Montana and our Representative in Congress.

Approved Feby. 21, 1907.

SENATE JOINT MEMORIAL NO. 1.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas, There are now in a portion of the State of Montana, known as the "Blackfoot Indian Reservation," many thousand acres of desirable agricultural land, in every way adaptable to farming and stockraising, far in excess of the needs of the Indians of said reservation, and,

Whereas, this land embodies some of the choicest agricultural area in northern Montana, which is now of no material benefit to said Indians, or a source of revenue to either the Federal or State Government, and,

Whereas, in a suit of the United States versus Winters, the Circuit Court of Appeals, affirming the Circuit Court of the United States for the district of Montana, granted a permanent injunction in behalf of the Indians on the Fort Belknap Reservation as to five thousand (5000) inches of the waters of Milk River, basing the opinion upon an implied reservation of such waters in the treaty with the Indians, ratified May 1, 1888, That the volume of five thousand (5000) inches exceeds the normal low water flow of Milk River, and such volume is not being used by the Indians on said Belknap Reservation in any considerable quantities, nor is it being diverted for any useful

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purpose to such an extent, and a suit is now pending, enjoining a diversion of the waters from Birch Creek by white settlers. The fact is that the Indians will be in no manner benefitted by the issuance of the injunction; but, on the contrary, the water will pass down the stream, unchecked, if the settlers are restrained from using it. That, by virtue of the water rights being impliedly reserved for the Indians by the agreement aforesaid, without limit, or as to time or place of use, every water right in the entire country from the Missouri and Merias [Marias?] Rivers, north to the Canadian boundary line, and from the summit of the Rocky Mountains to the boundary of Dakota; is either rendered invalid or so vague, unreliable and indefinite as to be of no substantial value to the settlers and others dependent upon such streams for a water supply. Not only has settlement been retarded by such indefinite and unreliable condition of the right to the use of the waters in this great territory, but many of our good citizens, who have established homes therein are passing over the line and making their homes in Canada, moved thereto by the fear that the clouded and precarious water rights in Northern Montana will seriously and permanently stifle prosperity there.

Now, Therefore, Be It Resolved, that we, your memorialists, the Tenth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to enact such legislation as will provide that the right of Indians to appropriate and divert water from any of the streams referred to be limited to the quantity of water necessary for actual use for irrigation and for domestic purposes upon the lands allotted to them, and that, when the water is not being actually and necessarily so used by the Indians, it shall be subject to diversion and use according to the laws of Montana, and

Be It Further Resolved that we, your memorialists, the Tenth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States for the passage of Senate Bill No. 7674, introduced in the Senate of the United States, January 9, 1907, entitled: "A Bill to survey and Allot Lands Embraced within the Limits of the Blackfoot Indian Reservation in the State of Montana, and to open the Surplus Lands to Settlement."

Be It Further Resolved that the Secretary of State be, and is, hereby instructed to forthwith transmit copies of this memorial, properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana.

Approved February 26, 1907.

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SENATE JOINT RESOLUTION NO. 3.

Whereas: there is now pending in Congress a bill, known as the Burkett Bill, by the terms of which settlers will be prohibited from grazing or permitting stock to range upon the public domain without a permit from the Federal authorities, and

Whereas, the people of this state have heretofore enjoyed the privilege of letting their stock feed upon the public domain, and they are opposed to any system which will prohibit them from letting their stock range and feed upon the unfenced public domain; therefore,

Be It Resolved, that we earnestly protest against the adoption by Congress of the Burkett Bill, so called, or any other bill providing for any other like system for permits to graze or range stock upon the public domain at a certain price per head.

Be it Further Resolved, that the Secretary of State of the State of Montana, be, and he is hereby, instructed to furnish a copy of this memorial to the President of the United States, Speaker of the House of Representatives, and our Senators and Representative in Congress, and the Chairman of the Committee on Public Lands of the United States, Senate and House of Representatives.

Approved March 7, 1907.

HOUSE JOINT MEMORIAL NO. 1.

Petitioning Congress to enact such Legislation as will result in the Opening of Fort Peck Indian Reservation.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Whereas, There are now in a portion of the State of Montana, known as the Fort Peck Indian Reservation, many thousand acres of desirable agricultural land in every way adaptable to farming and stock raising far in excess of the needs of the Indians of said Reservation, and,

Whereas, This land embodies some of the choicest agricultural area in Eastern Montana which is now of no material benefit to said Indians, or a source of revenue to either Federal or State Government, and,

Whereas, The proposed Milk River Irrigation project, as located by present surveys, will connect with the west boundary of said Reservation, and,

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Whereas, The continuation of the Government Canal on to this Reservation will make one of the most fertile and productive valleys in the State of Montana and make homes for thousands of families,

Therefore, Be it Resolved that we, your memorialists, the Tenth Legislative Assembly of the State of Montana, earnestly pray and petition the Congress of the United States to enact such Legislation as will result in the opening of the Fort Peck Indian Reservation under conditions similar to the opening of the Crow and Flathead Indian Reservations in this State, and

Be it Further Resolved, that the Secretary of the State be, and he is, hereby instructed forthwith to transmit copies of this memorial, properly authenticated, to the Honorable Secretary of the Interior and to our Senators and Representatives in Congress from the State of Montana.

Approved March 4, 1907.

HOUSE JOINT MEMORIAL NO. 2.

To authorize the Secretary of State to make exchange of the Codes of Montana.

Whereas, That owing to the San Francisco earthquake and fire the firm of Bancroft, Whitney and Company, Law Book Publishers, who have published the Montana reports, suffered the loss of the plates and manuscripts of Volumes 8 to 32, and have on hand a number of copies of Volumes 1 to 7, and

Whereas, The Secretary of State has on hand a number of copies of Volumes 8 to 32, and

Whereas, the said Bancroft, Whitney and Company, have offered to exchange copies of Volumes 1 to 7 for copies of Volumes 8 to 32,

Therefore Be It Resolved, the Senate concurring, that the Secretary of State be, and is hereby authorized to make such exchanges as in his judgment he may deem necessary.

Approved March 5, 1907.

HOUSE JOINT MEMORIAL NO. 4

Resolved by the House of Representatives, the Senate Concurring:

That the incorporation by the general government within forest reserves of vast areas within our state, much of it devoid of timber or timbered so sparsely as not to be within the purview of the act

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under which the segregation is made, is a policy unjust to our people, and obstructive of the settlement and development of our state.

That while we approve the policy of preserving from ruthless destruction the valuable timber on the public lands and such as affords protection against the too rapid melting of the snows in the mountains, we respectfully pray that all lands not of such character and now included in forest reserves within the state be speedily restored to the general body of the public lands.

The acts of Congress give slight, if any, justification for the imposition upon our people of the burdensome tax imposed upon them for the privilege of grazing their stock within forest reserves, annually increasing with the creation of new reserves, all now embracing within this state, 17,344,883 acres.

The exaction of this tax is defended upon the ground of the necessity of restricting the number of cattle and sheep allowed to graze upon the reserves, lest by crowding the tender shoots be trampled on and destroyed, though multiplied instances may be pointed to in this state where reforestation is going on over acres that have been grazed unrestrictedly since the [they?] were denuded of timber ten or more years ago.

Most of these could be dispensed with if the general government should undertake simply to preserve the timber on the public lands from ruthless destruction by depredators or the spread of fires, a policy that would meet the unqualified approval and support of our people.

Should the present policy, however, be continued we earnestly pray the substitution of some system of surveillance through local officers before whom a speedy hearing can be had, in lieu of reposing all details of the administration of the law in officers responsible only to their chief at the district capital of the county to whom those compelled to seek privileges on the reserves must [be?] servilely subservient or risk business disaster.

Resolved, that the Secretary of State be instructed to transmit a copy of these resolutions to the President of the United States and to the Members of Congress from Montana, with the request to the latter that they be laid before each house of Congress.

Approved March 5, 1907.

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HOUSE JOINT MEMORIAL NO. 7.

To the Honorable Senate and House of Representatives, In Congress Assembled:

Whereas, we believe that it is to the advantage and best interests of the State of Montana, and the nation at large that the public lands of this State be required [acquired?] by sturdy settlers, and devoted to agricultural purposes, thus adding largely to the wealth and prosperity of the nation, and,

Whereas, it has in the past been the policy of the Government to encourage the settlement of the public lands, under the homestead and desert land acts giving these acts a liberal construction. and,

Whereas, under the present provisions of said public land acts multitudes of good, honest, conscientious and hard-working settlers were induced to file upon, settle and reclaim lands thereunder, thus adding largely to the prosperity and taxable wealth of the State and adding to the stability and wealth of the nation as well, and,

Whereas, notwithstanding, that the [these?] settlers filed in good faith upon our lands, and have faithfully complied with the provisions of the law, as to residence on their homesteads and the reclaiming of their desert entries, spending large sums of money therefor, fondly hoping and thinking that they were honestly and faithfully acquiring for themselves, and those dependent upon them homes and ranches, where they might spend the remainder of their days in peace and happiness, and adding daily to the material wealth and prosperity of this great commonwealth, yet, they find, that they are now threatened with ruthless disaster, and their homes, their ranches, and the savings of years of toil are threatened to be swept away, by the wholesale and indiscriminate suspension and cancellation of their homestead and desert entries, and,

Whereas, not only has final proof been, and is not [now?] being refused, but there is an indiscriminate suspension of patents on entries where [the?] final proof was made and accepted, and where the final payments on desert entries where [were?] tendered and accepted; that many of those suspensions were made before any investigation whatever was made; that numerous bona fide and honest entries are now being suspended, some after a superficial investigation by some Government Agent, and some with no investigation at all, and,

Whereas, a great hardship, wrong and injustice is being worked upon our ranchers, who although they have strictly complied with the law, yet their entries are suspended, their final proof is refused,

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their parents [patents] are held up, and they are compelled, at great expense and annoyance to come in and defend contests filed against their entries, by Government Agents, and,

Whereas, all those settlers, who in good faith have made their filings, expended their moneys, and complied with the law are made to suffer the same as the occasional entryman, who may not have complied with the strict letter of the law, thus branding all without cause, as conspirators and fraudulent entrymen, and thus setting aside the maxim that every man is presumed to be innocent until the contrary is proved, and substituting therefor the new maxim of the Interior Department, that every entryman is presumed to be guilty of fraud, conspiracy, perjury, and "looting of the public domain," until the contrary is proved, and,

Whereas, this policy of the Government is driving thousands of our best people, and would-be settlers to Canada, where they can establish homes.

Now, Therefore, Be It Resolved, the Senate Concurring; that, we, the Tenth Legislative Assembly of Montana, condemn and protest against the present harsh, unjust, and unwise policy of the Government, and earnestly ask that a more liberal, just and fair policy be pursued; that patents be permitted to issue upon entries for which final proof was long since accepted; that only such entries be suspended as after investigation show actual and positive evidence of fraud, and that speedy hearings be given in such cases; and further, the lands withdrawn temporarily from settlement or included in Forest Reserves, be examined as speedily as possible, and all agricultural lands be segregated and again opened to entry without delay.

Resolved, Further, that we heartily commend the Honorable Thomas H. Carter, for his action in opposing the present policy of the Government, and endorse all of his statements made in his speech, in the United States Senate, January 30th, 1907, in condemning and exposing the wrong and injust [unjust?] present policy;

Be It Further Resolved, that a copy of this Memorial be forwarded by the Secretary of State to the Honorable Secretary of the Interior, and to our Senators, and Representative, and Representative Elect, in Congress, with a request that they use every effort to rectify the great and irreparable injury that is being done the great commonwealth of Montana.

Approved March 6, 1907.

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HOUSE JOINT RESOLUTION NO. 8

Whereas, under and by virtue of House Joint Resolution No. 2 of the Ninth Legislative Assembly (Laws 1905, page 356) it was directed that a commission of three suitable and competent persons be appointed by the State Board of Examiners to examine into and report upon the advisability and feasibility of acquiring a permanent water supply for the use of the State Capitol Building and grounds, and to make report to the Tenth Legislative Assembly with respect thereto, and

Whereas, a commission was thereafter duly and regularly appointed in accordance with the direction of said resolution, consisting of Willard Bennett, R. C. Wallace, and John W. Wade, and

Whereas, said Commission duly and regularly made report to the Tenth Legislative Assembly, and accompanied same with all propositions which had been made to them as a Board of Water Commissioners, and

Whereas, said report was duly and regularly referred to the Committee on State Institutions, Public Buildings and Grounds of the House, and

Whereas, said report has been duly and carefully considered, and the various propositions made and tendered for supplying water for the Capitol Building and Grounds, investigated and considered by said committee of the House, and

Whereas, said Committee of the House of Representatives has recommended that the proposition tendered for furnishing of water for the Capitol Building and Grounds by the Helena Water Works Company be accepted; it appearing that said Helena Water Works Company offer to furnish water for the State Capitol Building and Grounds for the period of two years at the rate of fifteen cents per one thousand gallons.

Now, Therefore, be it resolved by the House, the Senate concurring that the State Furnishing Board is hereby authorized and empowered and directed to execute a contract with the said Helena Water Works Company or any other person or corporation, which may have adequate supply for the furnishing of water as aforesaid, for the ensuing two years, at a monthly rate of fifteen cents per one thousand gallons.

Approved March 6, 1907.

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